



INVESTIGATIONS DIVISION STANDARD OPERATING PROCEDURE

CHAPTER 7: OPERATIONS

7-1 INVESTIGATIVE PROCEDURES – CRIMES AGAINST PERSONS SECTION,

ROBBERY- HOMICIDE UNIT:

- A. General: An investigation is the lawful search for witnesses or evidence which tends to prove or disprove a set of given circumstances.
- Purpose: The purpose of this section is to provide guidance to Division personnel in the follow-up investigations of assigned cases.
- B. Investigative Procedures:
1. Thoroughly review all written reports to familiarize self with circumstances as reported.
 2. Make initial contact with victims, witnesses and suspects.
 3. Investigate crime scene:
 - a. Search for additional physical evidence and request Identification Section if evidence is located.
 - b. Canvass the area for witness who may have observed suspect.
 - c. Observe visibility of crime scene in order to prove/disprove statements of witness(es).
 - d. Interview victim(s), witness(es) and suspect(s):
 - (1) Who, What, When, Where, Why, and How?
 - (2) Transport to Investigative Division as soon as possible to:
 - (a) Conduct follow-up interview(s).
 - (b) View Photo Spread.
 - (c) Take Elimination Fingerprints.
 - (3) Whenever possible, conduct interviews at the police station.
 - e. During investigation, detectives will take detailed field notes, recording personal observations, witness/victim statements, etc.
 - f. Make appropriate stolen article entries into local / state/ national computer systems. Coordinate special evidence testing requests such as DNA and NIBIN testing.
 - g. Check Field Interrogation Reports for possible suspects or individuals who may have been in the crime scene area.



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4. If suspect is in custody at beginning of investigation:
 - a. Once victim and witness(es) have been interviewed, question the suspect. Get as many facts as possible regarding case before interrogation of the suspect.
 - b. Review suspect information from other sources when possible such as prior criminal history, field interrogation cards, and other databases.
 - (1) Note the following:
 - (a) Incriminating statements/confessions.
 - (b) Alibis, possible defense, motives.
 - (c) Implications of others.
 - (d) Disposition of property.
 - c. Decide method of viewing of suspect by victim/witness (es).
 - (1) If a lineup is to be conducted, don't show photo spread.
 - (2) If photo spread is shown, record names and identification numbers of photos shown for later use in court. (Revised 4-21-05)
5. If a suspect is identified, contact may be initiated to Polk County Attorney reference to proper charge to be filed.
6. Research other cases with similar "M.O." which may have also been committed by same suspect.

C. Taking a Dying Declaration:

General: If victim is mortally injured, statements made relative to the crime may be admitted in criminal procedure hearings under certain conditions. (Revised 4-21-05)

1. A dying declaration is an exception to the hearsay rule. Courts have ruled it admissible as evidence on the grounds that most people who know they are going to die will tell the truth. A dying declaration must be given under the following conditions:
 - a. Death must be imminent.
 - b. Victim must be rational.
2. The following procedure shall be followed when taking a dying declaration.



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- a. Ask individual the following:
 - (1) Name and address.
 - (2) Do you believe you are about to die?
 - (3) Is this statement you are about to give truthful?
- b. List all witnesses to statement.

D. Death Investigations:

- 1. Scene Responsibilities:
 - a. Indoor Scene:
 - (1) Once the cursory search is completed, detectives shall secure the scene, barring entrance to anyone seeking admittance.
 - (2) Determination is then made regarding who resides at the scene. If more than one person, then a search warrant shall be obtained. This may be determined by talking to neighbors or witnesses. Polk County Attorney and Crimes Against Persons supervisors will confer reference obtaining a search warrant.
 - (3) Identification Section will process the crime scene for evidence:
 - b. Outdoor Scene:
 - (1) Determine perimeter of scene and direct officers to secure and protect the scene.
 - (2) Consult with Polk County Attorney if the scene is on private property and may require a warrant.
 - (3) Protect the scene for elements such as rain, snow, wind, animals, etc., until Identification personnel arrive for processing. (Revised 4-21-05)
- 2. Death Investigation responsibilities:
 - a. Once the cursory search is completed, detectives shall ensure the scene is secure.
 - b. Ensure all proper notifications have been made.
 - c. Detectives will canvass neighborhood seeking witnesses and information concerning crime.



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- d. Robbery / Homicide Unit supervisor, with the concurrence of the Identification Section supervisor, will make a decision as to when body may be removed from the scene.
- e. Robbery / Homicide detectives will attend the victim's autopsy with Identification Section personnel, if deemed necessary by the Robbery / Homicide Unit Supervisor.
- f. Identification Section personnel will take custody of all recovered physical evidence.
- g. If formal statements are taken from witnesses:
 - (1) A pre-statement interview will be conducted. (witnesses only)
 - (2) Based upon the facts discovered from the pre-statement interview, the detective will then record a structured question-and-answer type of statement.
 - (3) The recorded medium will be transcribed and retained for use in court.
- h. During major, long-term investigations, the Crimes Against Persons Commander may utilize "numbered" lead slips. Detectives following up "numbered" leads will refer to the lead number when making their supplemental reports.
- i. Prior to filing charges, the assigned detective may confer with the Polk County Attorney for assistance in filing the proper charge.
- j. Detectives investigating crime scenes where blood or other body fluids are present shall comply with biohazards safety precautions.
- k. After complete examination of the crime scene, a determination shall be made by detectives, county attorneys, and Identification Section personnel as to what evidence shall be processed. For evidence to the DCI laboratories, the detective shall prepare the "Request for Examination" form and forward it to the Identification Section.
- l. In those cases when the victim is a child, or has been seriously abused or assaulted and there is a strong likelihood that the child may not survive, based on the opinion of reliable medical personnel, the Family Conflict Section will notify the Robbery / Homicide Unit. In the event the child dies as a result of the assault, personnel from both Units will actively work the investigation. The Persons Section Commander will designate the lead investigative unit.

E. Police Officer Involved Shootings:



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1. The purpose of this section is to provide guidance to division personnel in the follow-up investigation of police officer-involved shootings.
2. When notified of a shooting involving a Des Moines Police Officer, the Commander of the Crimes Against Persons Section or his/her designee will determine if notification to the Department of Public Safety, Division of Criminal Investigation (DCI) is needed to assist in the investigation.
3. The DMPD Identification Section will have the primary responsibility for processing of the scene. A unit of the Division of Criminal Investigation (DCI) laboratory team may be dispatched to assist with the processing.
4. The Special Agent in Charge (SAC) and Special Agents may respond to the crime scene and be briefed by Robbery / Homicide personnel.
5. The SAC and DCI case agent will coordinate the investigation with the Investigation Division Commander or his/her designee.
6. Robbery / Homicide detectives assigned to the case will team with Special Agents for the purpose of conducting interviews and other necessary investigations. Prior to conducting an interview with the involved officer(s), the Miranda Warning will be given.
7. Each investigative team conducting interviews may alternate as to who has reporting/writing responsibility, as they deem appropriate. The Detective/Agent taking notes will provide the other with a typed report of the interview.
8. Each agency will provide the other with any and all reports prepared in connection with the investigation.
9. At the conclusion of the combined investigation, complete copies of the combined investigation will be forwarded to the Chief of Police, Polk County Attorney and the Office of Professional Standards by the Investigations Division Commander.

7-2 INVESTIGATIVE PROCEDURES – FAMILY CONFLICT SECTION:

- A. General: The Unit is responsible for the investigation of the following:
 1. All sexual assaults or attempted sexual assaults.
 2. Child sexual abuse.



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3. Attempts to entice a child.
 4. Sexual exploitation of a minor.
 5. All obscene communication.
 6. Dependent Adult Abuse (physical or neglect).
 7. Child physical abuse or neglect.
 8. Child in Need of Assistance (CINA):
 - a. Cases of neglect.
 - b. Cases of denial of critical care.
 - c. Cases of improper or no supervision.
 9. Conduct any investigation, which may be assigned by the Division Commander.
- B. Purpose: The purpose of this section is to provide Division personnel guidance in the follow-up investigations of assigned cases.
- C. Investigative Procedures: (Refer to 7-1, paragraph B.)
1. Case investigation reports taken by Des Moines Police Officers:
 - a. A preliminary report with only essential information will be completed; detailed interviews and investigation will be the responsibility of the Investigation Division and Department of Human Services (DHS) worker.
 - b. Judgment concerning welfare of victim and physical evidence may cause emergency removal from home if imminent danger exists:
 - (1) DHS will be notified for placement of the child.
 - (2) Contact will be made with DHS on all cases to fulfill the reporting requirements of mandatory reporters.
 - c. The Family Conflict Section may be called at any time to assist.
 2. Investigative Procedures Family Conflict Sexual Abuse:
 - a. The police and DHS worker will function as a team during the interview of:
 - (1) Victim.



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- (2) Non-offending parent(s).
 - (3) Witnesses.
 - (4) Siblings, when appropriate.
 - (5) Accused Offender.
- b. When the report is received from DHS, the police detective will prepare the preliminary report and make arrangements for the joint investigation.
- c. Interview of the Victim:
 - (1) Never mislead the victim and /or the victim's parents or caretaker into believing the victim may not be required to testify in court.
 - (2) No statements as to the outcome of the case will be made to the victim, family, caretaker, witness or offender.
 - (3) Young children will be interviewed in a coercive-free environment at the Regional Child Protective Center which is located in Blank Children's Hospital.
 - (4) A victim advocate may be present during the detective's interviews, however interviews conducted at the Regional Child Protection Center are one-on-one. The advocate may be present at these appointments to meet with the family.
 - (5) After notification of school officials, if the interview is conducted on school grounds, the detectives have the right to determine who is present during the interview.
 - (6) The interview may be audio or video taped.
- d. Assessing the Safety of the Child: In all cases it is preferable for the offender to be removed from the home. However, there may be situations that occur in which the child will need to be removed. Removing and placement should be based on the following factors.
 - (1) The threat of imminent physical harm.
 - (2) Protection from continued sexual abuse.
 - (3) No other adult in the home to provide care.
- e. Questioning of spouse or offender:
 - (1) The parents will never be interviewed together.
 - (2) The interview may be audio or video taped.



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- (3) The detectives will assess the non-offending spouse's ability and willingness to protect the child from further physical, sexual, or emotional abuse.
- f. Interviewing the offender:
 - (1) All rules of evidence and constitutional guarantees will always be applied to the interview to protect the integrity of the case. (Refer to 7-24,7-25)
 - (2) The interview may be audio or video taped. The DHS worker will be notified before the interview of the offender. If the DHS worker cannot be reached or the timing of the interview is becoming critical to obtaining a statement, the police detective will proceed with the interview, with the results of the interview given to the DHS worker.
 - (3) The tapes of the victim's statement may be used to assist the detectives in their interview.
 - (4) If the offender confesses, as much specific information as possible concerning the crime will be obtained. The offender should be questioned about other possible victims of their abuse.
- g. Interviewing other witnesses:
 - (1) Other potential victims, such as siblings or others living in the home, may be interviewed.
 - (2) Persons the victim disclosed to about the abuse may be interviewed.
 - (3) Persons who may have observed signs of abuse may be interviewed.
- h. If accusations are supported by the investigation:
 - (1) When Probable Cause has been established, the investigator may contact the on call county attorney for the purpose of filing charges or obtaining an arrest warrant. After hours, weekends, and holidays, the assistant county attorney on call for sex abuse may be contacted.
 - (2) If the arrested offender is an adult, all reports completed or obtained will be forwarded to the intake section of the county attorney's office by the Record's Sergeant.
 - (3) If the offender is a juvenile, all reports completed or obtained will be forwarded to juvenile court intake section.
- i. If the accusations are not supported by the investigation, the detectives may make referrals to the proper agencies.



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D. Child Abuse, Major Trauma:

1. The majority of severe child abuse cases are received when a mandatory or permissive reporter calls the Department of Human Services. An intake officer is on duty at all times to screen referrals. Once the referral is received, if it meets the criteria for child abuse, it will be assigned to an investigator. Any of these types of referrals will also trigger a response from the investigator during non-working hours.
2. Severe trauma is defined as any case involving one of the following:
 - a. Adult bite marks.
 - b. Shaking of an infant or young child.
 - c. Bone fractures.
 - d. Second and Third Degree burns.
 - e. Any life threatening or serious injury.
 - f. Injuries from confinement (ropes, chains, etc.).
 - g. Multiple bruises on a child.
 - h. Head injuries (i.e., skull fractures).
 - i. Medically confirmed cigarette burns.
 - j. Deliberate poisoning or drug overdoses.
 - k. Sexual Abuse
3. When a referral is made involving any one of these indicia, the designated DHS worker will then immediately contact the Supervisor or Acting Supervisor of the Family Conflict Section.

E. Sexual Assault Kits

1. Sexual assault kits will be collected, stored and retained in accordance with Iowa State Code 709.10 and 802.2.
 - a. *709.10 Sexual abuse evidence*
 1. *When an alleged victim of sexual abuse consents to undergo a sexual abuse examination and to having the evidence preserved, a sexual abuse evidence collection kit must be collected and properly stored with the law enforcement agency under whose jurisdiction the offense occurred or with the agency collecting the*



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evidence to ensure that the chain of custody is complete and sufficient.

2. If an alleged victim of sexual abuse has not filed a complaint and sexual abuse evidence collection kit has been completed, the kit must be stored by the law enforcement agency for a minimum of ten years. In addition, if the alleged victim does not want their name recorded on the sexual abuse collection kit, a case number or other identifying information shall be assigned to the kit in place of the name of the alleged victim.

b. 802.2 Sexual abuse – first, second, or third degree.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

3. As used in this section, "identified" means a person's legal name is known and the person has been determined to be the source of the DNA.

2. The Section supervisors will be responsible for entering the receipt of sexual assault kit into the Department I-leads records/property and evidence tracking module.
 - a. Prior to the copy of the property sheet which denotes the sexual assault kit being forwarded to the assigned investigator, the supervisor will open the I-leads records/property module and search for the specific case.
3. Based on the investigation, the investigator will determine whether the sexual assault kit is submitted to the Iowa DCI Lab for analysis.



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- a. The initial determination on whether to send a sexual assault kit for analysis should be made within 8 weeks of being assigned the case for follow-up investigation.
 - b. If sexual assault charges are filed against an individual, the sexual assault kit will be submitted for analysis.
 - c. If the investigator becomes aware of additional information at a later date that would warrant sending the sexual assault kit in for analysis and/or changing of the record in the "records/property/evidence tracking module", the investigator will be responsible for documenting those changes.
 - d. Investigators shall be responsible to track any changes made after a sexual assault kit is collected.
4. Investigators will document the status of all sexual assault kits in the Department I-leads "records/property/evidence tracking module" program.
 - a. Investigators will document when the sexual assault kit is sent to the DCI Lab, returned from the DCI Lab or if the determination is made not to submit the kit, why it was not submitted for analysis.
 - b. There are 11 different tracking codes that are to be used when updating the property/evidence tracking module.

Tracking Code	Description
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Kit0	Kit Collected
Kit1	Kit sent to DCI
Kit2	Results received from DCI
Kit3	Not Sent to DCI, Kit Only
Kit4	Not Sent to DCI, Prosecution Declined
Kit5	Not Sent to DCI, Crime did not occur
Kit6	Not Sent to DCI, Victim would not cooperate
Kit7	Not Sent to DCI, Suspect Admission/Confession



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Kit8	Not Sent to DCI, No Evidentiary Value
Kit9	Not Sent to DCI, Other Explanation Provided
KitA	Approved to Destroy, No longer needed as Evidence
KitB	Trans-Connected, Outside Agency

F. Urine Samples associated with Sexual Assault Cases

1. Investigators will submit any urine samples from a reported victim of a sexual assault to the Iowa DCI Lab for analysis in a timely manner due to the possibility of degradation of drugs within the sample.
2. Investigators will complete the appropriate submission form to the Identification Section and note that if the sample tests positive for drugs, the department will need to have the remaining urine sample returned to the police department for safe keeping.

7-3 INVESTIGATIVE PROCEDURES – FAMILY CONFLICT SECTION, **DOMESTIC ABUSE RESOURCE TEAM (DART) UNIT:**

- A. General: The Domestic Abuse Resource Team (DART) serves as a resource for victims of domestic assault and related offenses to assist them in receiving aid, information and relief from abusive domestic situations and / or environments that have the potential of resulting in physical harm or personal injury to victims and other family members including children.

Purpose: The purpose of this section is to provide guidance to division personnel in the follow-up investigations of assigned cases.

B. Investigative Procedures:

1. Obtain a written statement from the victim and any witnesses.
2. Identify at risk children, notifying The Department of Human Services if necessary.
3. Attempt to identify victims who may be seriously injured or killed as a result of their violent relationships.
4. Photograph injuries and damaged property.



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5. Complete supplemental reports, documenting any action taken.
6. If applicable, file additional charge(s).
7. Explain the court process to the victim
8. Explain the "No Contact Order" to the victim
9. Explain how to obtain a "Civil No Contact Order" to cover the victim, children and other household members.
10. Provide the victim with a brochure from the Family Violence Center and business card from the Polk County Attorney Victim Liaison.

C. Additional Responsibilities:

1. On a time available basis, DART will work Domestic Assault and Violation of No Contact Order warrants.
2. Attend monthly meeting with the Domestic Abuse Coordinating Council.
3. Participate in training for statewide advocates of Domestic Abuse Shelters.
4. Conduct public presentations to community groups on Domestic Assault.
5. Serve as backup for the VRO.

7-4 INVESTIGATIVE PROCEDURES – FAMILY CONFLICT SECTION,

SEX OFFENDER COORDINATOR:

A. Sex Offender Registry

1. Point of contact to handle questions and concerns from the public regarding registered sex offenders in Des Moines.
2. Point of contact for DMPD to handle complaints/tips from the DCI Sex Offender website.
3. Point of contact for DHS if there is a report of a sex offender residing with children.



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4. Maintain a spreadsheet of all sex offenders in Des Moines.
5. Physically check each sex offender at their residence to determine if they are compliant. Frequency can be determined by tier level of sex offender and/or residence location (homeless shelter, motel, etc.).
6. Handle compliance issues with sex offenders (residency, employment, children in the home). File appropriate charges when needed.
7. Pick up registration paperwork from the Polk County Sheriff's Office (old jail) weekly.
8. Work in conjunction with US Marshals, Department of Corrections, Iowa Division of Criminal Investigation, and other state and local law enforcement agencies to follow up on sex offender issues.

B. Internet Crimes Against Children Task Force Affiliate

1. Point of contact for DMPD to handle Cyber Tips distributed by the DCI.
2. Appropriately follow up on Cyber Tips by initiating a case and follow through with all leads.

7-5 INVESTIGATIVE PROCEDURES – FAMILY CONFLICT SECTION,

VICTIM RESOURCE OFFICER:

- A. General: The Victim Resource Officer serves as a resource for victims of violent crimes to include, but not limited to: Homicides, Suicides, Motor Vehicle Fatalities, Suspicious Deaths and Accidental Deaths. The Victim Resource Officer will coordinate with the on-call advocate from Polk County Crisis and Advocacy to assist in the notification.

Purpose: The purpose of this section is to provide guidance to division personnel in the notification, and follow-up contact, with the families of violent crime victims. No two notifications are the same, and these procedures are merely guidelines.

B. Notification Procedures:

1. Contact the supervisor, or investigator at the scene to determine if the victim has died, or their current condition. Confirm the identification of the victim.



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2. Contact Polk County Crisis and Advocacy, relaying information on decedent/victim and determine a location to meet for the notification.
3. In cases of multiple victims, family members of critically injured persons must take precedent over notification of a death. Those notifications can be done by a patrol officer, with follow-up by the VRO.
4. Notifications must be timely, in person, and in pairs.
5. Always identify yourselves, taking survivors inside, or to a quiet area, advising them simply and directly. Answer questions, if you are able. Case integrity is still the priority, and may prohibit answering all questions.
6. Offer to contact other family members, and NEVER leave a survivor alone after the notification. In cases where multiple family members are present, identify a primary contact person. Primary contact persons are close family or friends, but not the survivor most affected by the notification.
7. Provide business cards, with phone numbers where you can be contacted around the clock. Be prepared to repeat information and directions. Survivors often forget everything after learning of their loss.
8. Notify the Assistant to the Medical Examiner before, or while you are with the family. They will be able to assist with questions, and must obtain information from the immediate family.
9. Maintain contact with the PIO on major cases, to allow the release of the decedent's information, but only after all close family have been notified.

C. Additional Responsibilities:

1. Outside Agency requests:
 - a. Any agency needing assistance in notifying a Des Moines resident of the death of a family member.
 - b. Any request must be confirmed, typically through teletype or direct contact, at a number we can confirm is a valid law enforcement agency.



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2. Assist families by providing follow-up information on the investigation. This may require coordinating with the appropriate Section Commander and Investigator, who may also assist in face to face meeting with the family.
3. Returning property to survivors, especially jewelry, so it will be available for the viewing/funeral.
4. Working with the Department of Justice to assist families in securing funds from the Crime Victim Compensation Funds for burial.
5. Training of recruit officers.
6. Prepare a worksheet, summarizing events and family contacts, maintaining a file for future reference.

7-6 INVESTIGATIVE PROCEDURES – CRIMES AGAINST PROPERTY SECTION,

GENERAL ASSIGNMENT / PROPERTY RECOVERY UNIT:

- A. General: A detective is an individual who gathers, documents, and evaluates facts about a crime. The purpose and objective of the detective's actions are several:

1. To establish that in fact a crime was committed.
2. To identify and apprehend the suspect.
3. To recover stolen property.
4. To assist the State in the prosecution of the party charged with the offense.

Purpose: The purpose of this section is to provide guidance to division personnel during follow-up investigation of assigned cases.

- B. Investigative Procedures:

1. Review preliminary investigation reports.
 - a. Case Investigation Report.
 - b. Supplemental Reports.



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- c. Property Sheet.
 - d. Identification Section Supplemental Reports.
2. Make initial contact with:
 - a. Victim(s).
 - b. Complainant(s).
 - c. Witness(es).
3. Determine by interviews with victim(s), complainant(s), and witness(es) if a crime has occurred and identify the appropriate crime classification.
4. Identify property.
 - a. Gather complete list of property loss (item, make, model, serial, or other identifying numbers, color, etc.).
 - b. Make appropriate stolen/lost article entries into local/state/national computer systems.
5. Identify suspect(s).
 - a. Through victim(s), complainant(s), and witness(es) statements.
 - b. Physical evidence; i.e., license plates, fingerprints, or other forensic evidence.
6. Contact with suspect.
 - a. Interview suspect for incriminating statements/confessions.
 - b. Implication of others.
 - c. Disposition of property.
 - d. If needed for follow-up purposes, consider suspect for polygraph examination and Identification Section processing; i.e., fingerprinting and photograph.
 - e. Develop photo-spread if applicable.
7. Arrest Guidelines (Refer to 7-11)
8. Document all investigative activities in detailed supplemental reports.
 - a. Be constantly aware that investigative supplemental reports are the last opportunity to document evidence pertaining to the case.



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- b. A supplemental report will be completed for each and every case assigned.
- 9. Property to be released will be released by the investigating officer, or the detective's immediate supervisor, or by a court order, or supervisor's designee.
- 10. Theft of Pharmaceuticals:
 - a. Crimes Against Property Section will investigate theft of pharmaceutical cases.
- 11. Criminal Mischief:
 - a. The Intelligence Section will handle all gang-related graffiti cases.
 - b. All other graffiti cases will be handled by the Crimes Against Property Section.

7-7 INVESTIGATIVE PROCEDURES – CRIMES AGAINST PROPERTY SECTION,

FIRE / ARSON UNIT:

- A. General: Personnel assigned to the Fire/Arson Investigation Unit are responsible for the investigation of fires caused by arson or of a suspicious nature:

Purpose: The purpose of this section is to provide guidance and instruction for personnel assigned to the Unit, hereafter referred to as the Fire/Arson Investigation Unit.
- B. Investigative Procedures:
 - 1. Personnel assigned to the Fire/Arson Investigation Unit are responsible for the investigation of fires caused by arson, are of a suspicious nature or are of unknown origin.
 - 2. Personnel assigned to the Unit will work together with the Des Moines Fire Department Investigators.
 - 3. Detectives from the division assigned to this unit will be on call Monday through Monday, twenty-four (24) hours per day, unless arrangements have been approved in advance with their immediate supervisor.



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4. Special Call-Out:
 - a. When other detective is involved in another investigation.
 - b. Fire death that is suspicious or is a known arson.
 - c. Special alarms when additional detective is needed.
 - d. When determined by Fire Department Arson Investigator.
5. In the event of a fire/arson related death, the immediate supervisor of the Unit will be notified and respond to the scene. It will be the responsibility of the on scene supervisor to notify the Commander of the Crimes Against Property Section, the Commander of the Crimes Against Persons Section and the Identification Section Commander if their assistance is needed.
6. Operation: Fire/Arson Detectives will be responsible for enforcing Chapter 712, State Code of Iowa.
 - a. Suspicious fire.
 - b. Known arson.
 - c. Assistance in determining the origin/cause of fire.
 - d. Fire death.
 - e. Reckless use of fire and explosives.
 - f. Suspicious substance cases.
7. Crime Scene Investigations:
 - a. Visit scene.
 - b. Gather information from:
 - (1) Police officers.
 - (2) Victim(s).
 - (3) Witness(es).
 - (4) Suspect(s).
 - (5) Fire Personnel
 - c. Canvass area in attempt to locate witness(es) that might have additional information (delivery people, neighbors, letter carriers, etc.)
 - d. Gather and preserve evidence:
 - (1) During a fire scene investigation, if the investigation leads to suspicion of a set fire, the Detective should secure the



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- scene and consider obtaining a search warrant before continuing the investigation. The crime scene will not be left unattended until the fire scene investigation is complete.
- (2) The commanding officer will be notified if there is a need for outside agency assistance.
 - (3) Accelerants: Samples of possible accelerants will be taken to the state laboratory for analysis. After testing, evidence will be placed on Property Control Sheet, DMPD form #74-105-3.
 - (4) When results of laboratory tests are complete, notification is made by mail regarding findings.
 - (5) Other types of physical evidence gathered from crime scene shall be placed on Property Control Sheet, DMPD Form #74-105-3.
 - (6) Photographs are to be taken of scene for possible use in court.
- e. Additional follow-up may include:
- (1) Re-interviewing witness(es).
 - (2) Interrogation of suspect(s).
 - (3) Obtaining search warrants to revisit crime scene.
 - (4) Obtaining court orders for:
 - (a) Telephone records.
 - (b) Employment records.
 - (c) Insurance documents.
 - (d) Medical records.
 - (e) Financial records; i.e., bank, credit union, credit card, etc.
- f. Detectives may be called upon to work with insurance company agents and investigators:
- g. The sharing of information shall be done under Chapter 100.1A, State Code of Iowa.
- h. Exchange of information forms for Chapter 100.1A are approved by the Polk County Attorney, who is the Agency of Authority.



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7-8 INVESTIGATIVE PROCEDURES – CRIMES AGAINST PROPERTY SECTION,

PAWN SHOP / GUN CONTROL UNIT:

A. General: The Commander, Crimes Against Property Section, is responsible for the assignment of necessary personnel to the Pawn Shop/Gun Control Unit and is responsible to the division Commander for the administration and operation of the Unit. Personnel assigned to this unit are responsible for the following:

1. Pawn Shop/Secondhand Stores.
2. Computerization of Pawn/Secondhand Sheets.
3. Weapons.
4. Confiscated Property.
5. Assist in tracing of stolen property.
6. Stolen Property Computer File.

Purpose: The purpose of this section is to provide instruction and guidance for personnel assigned to this Unit.

B. Investigative Procedures:

1. Enforcement of Municipal Code of Des Moines, Chapter 3-30, pertaining to pawn shops and secondhand stores.
2. Pawnshops are inspected on a routine basis, secondhand stores are inspected as needed. The same procedure is used in inspections of all pawnshops.
 - a. Review of DMPD Form 73-192-3).
 - b. Check for accuracy of brand name, serial numbers, model, and description of item.
 - c. Once items are entered into the Pawn System, all serial numbers shall be checked twice through Iowa NCIC for stolen at time of pawn and fourteen (14) days after.
 - d. When DMPD Form 73-192-3 is full, it will be brought to the Des Moines Police Department where a reduced copy is made. The copy is returned to the pawnshop or secondhand store.



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- e. The original Form 73-192-3 is entered into the pawn system computer.
 - f. The original Form 73-192-3 is then filed in the Pawn Unit by the business name of the pawnshop or secondhand store.
- 3. Local recovered stolen property from Pawn Shop/Secondhand Stores:
 - a. Pull the case and check the brand name, serial number, and model.
 - b. Impound item from the Pawn/Secondhand store.
 - (1) Sign the stolen item out of store by giving them DMPD Receipt Form 84-336.
 - (2) Sign receipt by using your rank, name, identification number, and case number.
 - c. Place the item in DMPD Fiscal Property Room. Complete a Property Control Sheet, DMPD Form 74-105-4 to include the following information;
 - (1) Use the same case number that was used to report item stolen.
 - (2) Indicate where pawned/sold, date that the item was pawned/sold, name of subject that pawned/sold the item, his/her address, social security number, and description of item.
 - (3) The original detective will be responsible for the cancellation of the serial number from Iowa and NCIC, releasing the article to the rightful owner, and any follow-up investigation.
- 4. Recovered property reported stolen on any outside case:
 - a. Check brand name, serial number, and model against the item in the shop.
 - b. If the item checks out to be the same, advise the owner of the shop that DMPD is placing a "Police Hold" on the item because it is possibly stolen.
 - c. Notify the outside agency a "Police Hold" has been placed on an item matching the one they have placed in NCIC as stolen. Request confirmation that item is still stolen and that a copy of their case be sent to this department.
 - d. Place a locator on the NCIC listing.



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- e. If confirmation is received indicating the item is still wanted and a copy of their case is received:
 - (1) Impound the item from pawn shop/secondhand store by giving them a receipt (DMPD Form 84-336).
 - (2) Sign a receipt using your rank, name, ident. number, and DMPD case number.
 - (3) Obtain DMPD case number on recovered stolen property outside case and make a Case Investigation Report.
 - (4) Place item in Fiscal Property Room and complete property sheet (74-105-4).
 - (5) Complete a supplemental report regarding the recovery of the item. Give the name, address, social security number, and description of the suspect.
 - (6) Make arrangements with the outside agency to return the stolen property to them.

- 5. Computerization of Pawn/Secondhand Store Sheets:
 - a. It shall be the responsibility of the Pawn Shop/Gun Control Unit Detective to make computer entries and train personnel in the operation and maintenance of the pawn/secondhand store computer system.
 - b. The Pawn Unit is responsible for calculating quarterly pawnshop transactions for the purpose of pawn transaction fees.

- 6. Weapons Impounded:
 - a. Property Management section will notify the Pawn Shop/Gun Control Unit of all weapons impounded by the department by use of DMPD Form 146.
 - b. The Pawn Shop/Gun Control Unit will run serial numbers of all weapons through NCIC for stolen.
 - (1) If stolen (local case): Pull the case and review to determine if it is correct weapon.
 - (a) The assigned case detective will be notified to confirm the weapon is still considered stolen.
 - (b) Make a supplemental report connecting the recovery report to the stolen report if case numbers are different.



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- (c) Advise the follow-up detective of the recovery. The detective shall cancel the serial number out of NCIC and do additional follow-up as needed.
 - (2) If stolen (outside case): Check brand name, serial number, model, and caliber against weapon impounded.
 - (a) If the item checked is the same, notify the agency that we have impounded a weapon matching the one they placed in NCIC as stolen, and confirm that the weapon is still stolen and that a copy of their case be sent.
 - (b) Place a locator on the NCIC listing.
 - (c) If confirmation is received indicating that the item is wanted and a copy of their case is received:
 - (i) Make a supplemental report reference the NCIC hit, listing the agency that entered the weapon as stolen.
 - (ii) Advise the follow-up detective that the weapon is stolen; and if not needed for evidence, make arrangements with the outside agency to return it to them.
 - (iii) Mark the DMPD Form 146, if stolen, with agency name and case number. If negative, mark negative, date ran, then place in file by property tag number.
 - c . Weapon's NIBIN's Testing: Handgun (.25 caliber and above) casings and bullets are sent to the D.C.I. for testing. This process is conducted by the Identification Section and upon receipt of test results, a copy of said test is forwarded to the Pawn Unit for disposition of the weapon. This information is retained in the Pawn Unit.
7. Weapons Serial Number Verification:
- a. A copy of all LENCIR entry forms for weapons shall be maintained by Pawn / Gun Control Unit by case number and year.
 - (1) When a serial-numbered weapon is entered into NCIC, a copy of this entry sheet is made and delivered to the Pawn/Gun Control Unit detective. It is checked for accuracy and placed in the "hold" folder.
 - (2) After original weapon sheet comes back from LENCIR, it is reviewed by the Pawn/Gun Control Unit for verification.



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- (3) The original is kept in the Pawn/Gun Control Unit filed by case number.
 - (4) Cancellation of a stolen weapon that has been entered into NCIC:
 - (a) The follow-up detective will retrieve the original LENCIR gun sheet from the Pawn/Gun Control Unit, and fill out the cancellation portion of this form, and send the original to LENCIR to be cancelled out of NCIC.
 - (b) When the original gun sheet is returned from LENCIR after cancellation, it is given to the Pawn/Gun Control Unit detective to be verified that it is correct, then filed in the "cancelled" folder.
 - b. Weapon Library: It shall be the responsibility of the Pawn/Gun Control Unit detective to maintain, update, and control the weapon library.
8. Seized Property: (Refer to 7-33).
9. Found Property: (Refer to 7-33).
10. Ownership of Property:
 - a. Property other than a weapon:
 - (1) The following information is needed: Manufacturer's name, model number, serial number, and general description of the item.
 - (2) Check the Property Identification Manual (manual kept in Pawn/Gun Control Unit office) for manufacturer's phone number. If it is not in manual, check identification tag on the item for the location of the manufacturer.
 - (3) Call manufacturer and see if they can check their warranty information for owner's name and address.
 - (4) After obtaining the name/address of owner, check with owner to see if the property has been stolen, if so, when it was reported and to who, if not our department. If outside case, notify that agency and advise them of the recovery and request a copy of their case report for our files.
 - (5) Make a supplemental report showing chain of evidence.
 - (6) If the property is not needed as evidence, release it to the owner.



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- (7) If it is a DMPD Case, contact the follow-up detective and advise that the property has been recovered.
- b. Weapon Trace for Ownership:
 - (1) Locate the manufacturer's name, type of weapon, caliber or gauge, cylinder capacity, barrel length, finish, serial number, country or origin, and reason for the trace request.
 - (2) The Pawn Shop/Gun Control detective traces all weapons coming into the department's possession on an ATF tracing form and faxes this form to ATF.
 - (3) After obtaining name and address of owner, contact the owner and see if the weapon was sold. The Pawn Shop/Gun Control detective supplies a copy of the form to the assigned follow-up detective and advises the property was recovered.
 - (4) If it is an outside case, contact the handling agency and have a copy of their case sent to us.
 - (5) Make a supplemental report showing chain of evidence.
 - (6) If the property is not needed as evidence, release it to the owner after completing a criminal history check to ascertain if the owner can still possess a firearm.

7-9 INVESTIGATIVE PROCEDURES - CRIMES AGAINST PROPERTY SECTION,

SPECIAL ASSIGNMENT UNIT:

- A. General: The Special Assignment Unit directs most of its efforts specializing in distinct areas of investigation including:
 1. Motor vehicle theft.
 2. Fraud, including theft by forgery.
 3. Forgery.
 4. Financial Exploitation of the elderly.
 5. Identity theft.
 6. Confidence games.
 7. Worthless documents.



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8. Fugitives from justice and military deserters or absentees.
9. Theft of rental property / failure to return rental property.

Purpose: To provide guidance to personnel assigned to this Unit in the follow-up investigation of cases and the identification of Unit-specific responsibilities.

B. Fraud / Auto Theft :

1. Motor Vehicle Theft:

- a. Criminal offenses are defined under State Code Chapters 321.72-321.96, 714.1 and 714.7. Detectives assigned follow-up investigation of stolen motor vehicles shall familiarize themselves with these laws.

2. Investigative Procedures:

- a. Stolen vehicles shall be entered into the Iowa System and NCIC. Detective assigned the case for follow-up will:
 - (1) Ensure all vehicles reported stolen are entered and with the correct information.
 - (2) After the vehicle has been recovered, ensure cancellation has been made.
- b. Contact shall be made with the owner or reporting person to ascertain if further information can be obtained. The possibility of the vehicle being borrowed or repossessed should be explored.
- c. Information obtained from stolen vehicle reports, recovery reports and follow-up investigations shall be gleaned and collated to produce:
 - (1) Method of operation.
 - (2) Target areas where stolen and recovered.
 - (3) Possible suspects.
 - (4) Any other investigative leads.
- d. Contacts should be developed with salvage and other motor vehicle businesses that would increase knowledge of individuals involved in selling vehicles or parts of vehicles.
- e. In some cases the VIN numbers may be altered or completely removed. The detective may then need to resort to the confidential VIN numbers to identify the vehicle. The location of



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the confidential VIN numbers is available through the National Auto Theft Bureau (NATB).

- f. The detective must monitor all notices of repossession and impounded vehicles. Many victims are not immediately notified when their vehicles are repossessed. Vehicle may have been impounded for a minor traffic offense.
- g. When the vehicle is recovered, the detective shall ensure that the owner has been notified in order to avoid unnecessary storage charges.
- h. When the perpetrator is known and can be identified, the detective shall submit the necessary documentation to the Polk County Attorney's Intake Office so that a warrant may be obtained.
- i. When the "Larceny of Motor Vehicle Report" involves a rental vehicle, the detective shall obtain a copy of the rental contract. The contract should have a return date that was filled in at the time of the rental. The vehicle must be at least 72 hours overdue before any police action is implemented. The only exception to the 72-hour grace period would be if the vehicle was rented with a stolen check, stolen credit card, or other fraudulent misrepresentation. In such cases the 72-hour grace period can be waived.
- j. When a "Larceny Motor Vehicle" report involves a loaned or borrowed vehicle, the detective shall determine if:
 - (1) A return date and/or time, expressed or implied, exists.
 - (2) The vehicle is at least 72 hours over due. (Reference State Code 714.1 para. 2)
 - (3) The owner understands and accepts the investigation of the larceny and recovery of the motor vehicle will be pursued as a criminal matter only.

3. Theft of Rental Property/Failure to Return Rental Property:

- a. Each incident shall be reported on a Case Investigation Report Form, 70-100-3.
- b. In incidents involving the misrepresentation by the renter, example, failure to give proper name, the crime will be Forgery/Fraud. All cases of this type shall be investigated by the Investigations Division.
- c. In incidents where no obvious misrepresentation is involved, the crime will be Theft. In cases of this type, the victim may be notified



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to contact the Neighborhood Mediation Center, City View building, 1200 University, Suite E, Phone 286-3057, for a rental packet. This advisement of the victim will be noted in the Case Investigation Report.

- d. Cases involving the theft of rental property will be forwarded to the Investigations Division for informational purposes and any necessary entry of information into the computerized system. These cases will be assigned for any investigation on a case-by-case basis.

4. Forgery and Related Fraudulent Criminal Acts:

- a. Criminal offenses of this nature are defined under State Code Chapter 715A.
 - (1) Detectives will familiarize themselves with these laws.
- b. Procedures of Investigation:
 - (1) Detective must remember that usually the person or firm that dispenses money or services as a result of a forgery is the victim, not the person who lost or had stolen the financial instrument. There are some rare exceptions to this.
 - (a) Each check that is cashed or presented to be cashed and each use of a stolen credit card is a separate offense, and each is a different case number
 - (b) When a suspect is in custody or being interrogated regarding a forgery:
 - (i) They shall be required to complete a handwriting exemplar. The exemplar usually consists of a London Letter (See 7-20) and other dictated material. If the suspect refuses to complete the handwriting exemplar, a request for a non-testimonial identification order should be requested through the Polk County Attorney's Office.
 - (ii). Suspect information shall be collated to produce:
 - a. Method of operation.
 - b. Identifiers for future reference.
 - (2) Financial instruments that are booked as evidence are to be signed out of the Property Management Section by the



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detective assigned to the case. These instruments are kept with the detective's case file in the Special Assignment Section for comparison to other cases and for court appearances.

- (a) Detectives are responsible for maintaining the security and chain of evidence for these items.
 - (3) The objective of the detective in forgery cases is to locate and prosecute the perpetrator.
 - (4) For prosecution the detective must obtain all original checks and documents. Courts will not accept copies.
- 5. Insufficient Funds and Account Closed Checks – Chapter 714.1, State Code of Iowa.
 - a. Personnel of the Investigations Division, as a rule, do not investigate cases of insufficient funds on "Account Closed" checks. Inquiries or complaints received should be referred to the Polk County Attorney's Neighborhood Mediation Center.
 - b. The Mediation Center will provide the victim with a packet which contains detailed instructions and all necessary forms.
 - (1) Name, address, phone number of respondent.
 - (2) Name, address, phone number of complaint.
 - (3) Copies of bad checks involved.
 - (4) Proof of a 10-Day Notice being served by registered mail or personal service.
 - c. Insufficient or Account Closed checks will be handled in one of three ways. The County Attorney's Office will make the final decision on how a case will be handled.
 - (1) Prosecution as more than a simple misdemeanor, based upon the value of the checks written.
 - (2) Prosecution as a simple misdemeanor, regardless of the amount of the checks written.
 - (3) Mediation of the problem through Neighborhood Mediation in an attempt to secure payment on the bad checks.
- 6. Arrests on Affidavit – Chapter 820.14, State Code of Iowa:



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- a. When a subject is arrested that is wanted by an out-of-state agency, following procedures shall be followed:
 - (1) Interview the subject, advising him/her of the charge and the agency filing. Try to determine whether the subject intends to waive extradition when taken before a judge.
 - (2) If not completed by the arresting officer, complete an "Information" charging the subject with being an "Arrest Without Warrant", in violation of Chapter 820.14, State Code of Iowa.
 - (3) If not completed by the arresting officer, complete a "Waiver of Extradition", which the subject will have an opportunity to sign when taken before a judge.
 - (4) If not completed by the arresting officer, complete an "Order of Commitment".
 - (5) The Preliminary Complaint, Waiver of Extradition, Order of Commitment, copy of or case, and all teletypes are forwarded to the warrant officer in the Polk County Sheriff's Office.
 - (6) Ensure a teletype was sent to the agency issuing the warrant, advising them that the subject is in custody and that they should initiate extradition proceedings.
- b. When a subject wanted by this department and is being held in another state as a fugitive, the Polk County Attorney's Office will need the following to initiate extradition proceedings:
 - (1) Original photo and four copies.
 - (2) Five copies of fingerprints.
 - (3) Original warrant and four certified copies.
 - (4) Five certified copies of the Preliminary Complaint.
 - (5) Five certified copies of the Probable Cause.

7. Military Deserters and Absentees:

- a. When an absentee is originally from the Central Iowa area, the department may receive Form DD553 as notification of the individual being wanted.
- b. The assigned detective, upon receiving the Form DD553, will check to see if wanted individual has been entered into NCIC by the military.



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- c. If the wanted individual has been entered in NCIC, the detective will request an intelligence bulletin be prepared and disseminated.
- d. When a military absentee or deserter is apprehended by personnel of this department, the assigned detective shall notify the proper military branch by using the numbers listed below:
 - (1) U.S. Army, 1-502-626-3711, 3712 or 3713.
 - (2) U.S. Navy, 1-877-663-6772.
 - (3) U.S. Marines, contact Marine Corps Reserve, 285-2616. After hours, hold until next morning, 1-703-614-3248 or 1-703-614-3376.
 - (4) U.S. Air Force, contact local recruiting office 334-7578. After hours, contact Air National Guard, (210)566-3752 or Toll Free 1-800-531-5501.
- e. The military requires its members on leave or pass to carry on his/her person a "DA Form 31" (leave form) or special orders indicating post change or station move. If individual claims to have been discharged, they should have in his/her possession "DD Form 214."
 - (1) Ensure a teletype was sent to the agency issuing the warrant, advising them that the subject is in custody and that they should initiate extradition proceedings.
- f. When a subject wanted by this department and is being held in another state as a fugitive, the Polk County Attorney's Office will need the following to initiate extradition proceedings:
 - (1) Original photo and four copies.
 - (2) Five copies of fingerprints.
 - (3) Original warrant and four certified copies.
 - (4) Five certified copies of the Preliminary Complaint.
 - (5) Five certified copies of the Probable Cause.

7-10 INVESTIGATIVE PROCEDURES - IDENTIFICATION SECTION:

- A. General: The purpose of this operating procedure is to provide guidance for Division personnel in understanding the Identification Section's capabilities and utilization.
 - 1. General Crimes Scene Duties: On a 24-hour basis, Crime Scene Investigators are available for assisting and providing support to sworn



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personnel investigating a criminal act. Crime Scene Investigators shall generally be responsible for:

- a. Searching for / locating and collecting visible evidence.
- b. Searching for / locating and collecting trace evidence (fingerprints, hairs, fibers, body fluids, etc.).
- c. Video documentation of crime scenes.
- d. Digital imagery documentation of the scene in total.
- e. Digital imagery documentation of the relationship between evidence items and the overall scene.
- f. Digital imagery of injuries sustained during criminal acts
- g. Measurements.
- h. Bloodstain Pattern Analysis
- i. Fracture Matching
- j. Processing and collection of latent fingerprints
- k. Contrast powder and chemical enhancement of potential fingerprint evidence.
- l. Evidence collection, packaging, transport and security.
- m. Autopsy attendance and documentation (digital imagery and written).
- n. Field and / or laboratory processing of evidence items.
- o. Written Documentation.
- p. Scaled and unscaled drafting of crime scene diagrams.
- q. Physical submission of evidence to outside agency laboratories.
- r. Preparing video, digital image and / or physical evidence exhibits for court presentation.
- s. Testifying in court
- t. All other related duties as directed.

2. General Shift Assignments for Technicians: May be subject to change to meet staffing priorities and requests for service.

- a. (3) Laboratory Investigators: 0800-1600
- b. (2) Trip Investigators: 0800-1600
- c. (1) Laboratory Investigators: 1200-2000
- d. (2) Trip Investigators: 1600-2400



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- e. (2) Trip Investigators: 2000-0400
- f. (2) Trip Investigators: 2400-0800
- g. At least (1) trip Investigator will be available to respond to assistance requested by sworn personnel 24 hours a day, 7 days a week.

B. Limited Service Forensic Laboratory:

1. The Identification Section laboratory provides for both forensic examination of crime scene evidence and a full-service digital darkroom.
2. Digital darkroom Investigators are responsible for the archival of all departmental photographic images and subsequent retrieval of the same.
 - a. Meeting the court's expectation of security, the digital darkroom is a secure facility within the secure laboratory. Its operation is assigned to only authorize personnel, with oversight by the Section Commander.
 - b. Upon proper request, digital images will be produced on CD-format, emailed, printed to hard copy, and/or posted on an approved computer drive. All disseminated copies or originals will be properly tracked for chain of custody documentation.
 - c. Darkroom personnel will also provide upon proper request, copies of video documentation, freeze frame or enhanced video images and all copies or originals will be properly tracked for chain of custody documentation.
3. Latent Print Examiners personnel provide the following services:
 - a. Examination, classification, and comparison of fingerprints and palm prints to include all AFIS (Automated Fingerprint Identification System) submissions.
 - b. Preparation of evidence submissions to outside laboratory agencies.
4. Requests by Detectives for laboratory assistance shall be made using the standard request form provided by the Identification Section.

C. Major Scene Investigations: At the direction of the Section Commander, all Identification Section personnel are subject to recall to duty in the event of a homicide, officer-involved shooting, major case investigation, natural or man-made disaster or special event.



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- D. Processing Prisoners: Effective July 2004, Des Moines Police Department prisoners, to include males, females, adults and juveniles, shall be processed by Polk County personnel either at the Polk County Jail or Juvenile Centralized Intake.
 - 1. Only under exigent circumstances shall an offender be processed by Identification Section personnel at the police department.
- E. Identification Section personnel shall document arrest-incident injuries sustained by both civilian and sworn personnel with digital imagery when requested.
- F. Identification Section personnel shall document damage to city vehicles with digital imagery when requested.
- G. Identification Section Personnel shall conduct noncriminal fingerprinting services for the general public Monday-Friday, 1445 – 1545 hours, by appointment or as directed. This service will be fee based as stipulated by City Ordinance.
- H. Identification Section personnel shall provide fingerprinting services for the Des Moines Police Department employment applicants as requested.
 - 1. Completed applicant fingerprint cards will be submitted to the State of Iowa Division of Criminal Investigation for criminal history checks. Returned fingerprint cards and criminal history checks will then be forwarded to the Des Moines Police Academy.
- I. Polygraph Procedures
 - 1. Purpose: The purpose of this operating procedure is to provide guidance in assisting personnel in understanding the utilization, purpose, capabilities, and limitations of the polygraph as an aid to investigations.
 - 2. Legal Status: If the examinee voluntarily agrees to take the examination and proper polygraph procedure is utilized, the rights of the examinee are not violated. Each examinee must voluntarily sign the Polygraph Examination Waiver.
 - 3. Objectives of Polygraph Examination:
 - a. The first aim of every polygraph examination is to determine if a person is telling the truth or lying concerning the matter under investigation. If this can be determined, the detective can better evaluate the evidence and decide what his/her next investigative steps should be to bring the case to a successful conclusion.



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- b. If the examinee is lying concerning the matter under investigation, then the second aim of an examination is to obtain a court-admissible confession or admission of any facts relevant to the investigation.
 - c. In criminal investigations, polygraph examinations will be conducted upon suspects, witnesses, and victims in order to assist the detective in the verification of statements.
 - d. The primary purpose of the polygraph is as an investigative aid. Evidence pertaining to the polygraph examiner's opinion is used in court only in exceptional circumstances when a stipulation has been signed. Therefore, the polygraph is used as supplement to an investigation, never as a substitute.
- 4. Basis for Polygraph Examinations:
 - a. General: The polygraph is an instrument which records three major physiological changes. The three main parameters recording physiological changes are:
 - (1) Pneumatic
 - (2) Galvanic Skin Response
 - (3) Cardiovascular
 - b. The polygraph examination consists of a series of questions asked of the examinee and the simultaneous recording by the polygraph instrument of the examinee's body changes in response to those questions. The test is based on the fact that certain physiological changes occur to a normal person in response to a lie.
 - c. The test does not actually detect lies, but rather produces a record (polygram) of the physiological by-products of an examinee's emotional responses during the examination. By interpretation of the polygram, the examiner may detect a person's attempt to tell a lie and to conceal it. These physiological changes vary and are affected by the amount of emotion that the person is experiencing.
 - d. The polygraph examination must be properly structured in order that the examiner can attempt to eliminate all emotions except guilt and/or fear of detection, and must be administered under strict, controlled conditions.
- 5. Selecting Test Subjects:
 - a. Certain mental and physical conditions may influence an examinee's suitability as a test subject and affect his/her reactions during the test. The polygraph examiner will always have the sole



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and final authority to decide whether an examination should be started and, if once started, whether it should continue.

- b. The polygraph examination will not be conducted on any subject that the examiner feels to be physically or mentally unfit. It is important that the polygraph examiner consider the following factors:
 - (1) Physical Factors
 - (a) Certain heart conditions and breathing disorders sometimes make a person unfit to test. A person with a serious heart condition and whose doctor does not approve of the examination will not be permitted to take the examination.
 - (b) A person will be regarded as having a serious heart condition when he/she states he/she has been treated in the past year for a cardiac condition and/or claims he/she has ever had a heart attack and/or claims to have had heart surgery.
 - (c) Before an examination will be conducted on such a person, the polygraph examiner must receive from the person's doctor a signed letter, or approval by phone in the presence of the polygraph examiner that his/her patient may be given a polygraph examination.
 - (2) A highly nervous or excitable person may be unfit for testing.
 - (3) Physical Ailments (Temporary): - A person who is drunk, sick, injured, or suffering severe pain or discomfort is unfit to be tested. Extreme physical or mental fatigue and certain ills such as colds, coughing spells, hay fever, asthma, hiccups, and severe allergies may influence a person's suitability as a test subject.
 - (4) Mental Ailments (Permanent) – Mentally deficient and "insane" persons should not be tested. Persons of very low intelligence may be difficult to test successfully, as they often display little moral sense or fear of being caught in an offense or lie. It may be difficult or impossible for them to tell the difference between the truth and a lie or to understand the purpose and procedure of the test.
 - (5) A person receiving mental treatments of a serious nature in the past three months, will not be examined until the polygraph examiner receives from the person's psychologist



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- or psychiatrist a signed letter, or approval by phone in the presence of the polygraph examiner that the patient may be given a polygraph examination.
- (6) Other factors to be considered are:
 - (a) A person who has been improperly treated or questioned during the apprehension or detention prior to the test may not be a fit subject for the test.
 - (b) A person who is emotionally upset or under the influence of a sedative should not be tested while he/she is in such condition.
 - (c) A person who is unduly afraid of the polygraph examination may also present a problem. Proper treatment and a clear explanation of the test will usually overcome these difficulties.
 - (7) A pregnant woman shall not be administered a polygraph examination until the examiner receives from the person's doctor a signed letter, or approval by phone in the presence of the polygraph examiner that his/her patient may be given a polygraph examination.
 - (8) The fact that a person might be suffering from a mental condition (low I.Q., manic-depressant, or even neurotic), most physical conditions (arthritis, asthma, tuberculosis), or a combination of mental-physical conditions (alcoholism, drug addiction, ulcers), does not automatically disqualify that person from being successfully examined.
 - (9) Consideration should be given by the polygraph examiner that some persons may seek to evade or postpone the polygraph examination by pretending a mental or physical illness.
6. Treatment of the examinee: The success of a polygraph examination depends in part on how the person was treated before he/she was asked to take the test, how he/she was asked to take the test, and how he/she was treated while awaiting the test.
7. Since the only justification for the existence of a polygraph examiner is his/her ability to assist the detective, the detective has to assist the polygraph examiner. The effectiveness of the polygraph is dependent upon the detective and polygraph examiner working together as a team.



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8. The following are general procedures, which should be considered by the detective to help the polygraph be an effective investigative aid.
 - a. When asking a person to take the test, the detective should:
 - (1) Talk to the person openly and freely about the test. The detective should learn enough about the test so that he/she can describe it to a person who knows little or nothing about it, or who has been misinformed about the test.
 - (2) Suggest the polygraph examination as a means for the suspect to indicate his/her innocence, and reassure the person that every week innocent persons take the examination and are found to be truthful.
 - (3) The detective must not suggest that a refusal to take the test will indicate guilt.
 - (4) Stress the polygraph examination's capability for indicating, through the recorded responses, whether a person is telling the truth.
 - (5) Assure each person that the examiner is a qualified person who is impartial toward all the persons involved in the case.
 - (6) Avoid any claim for the polygraph instrument or examiner that is not backed by fact.
 - (7) The person should be asked to take the examination only when the detective fully intends to have him/her examined. NEVER use the polygraph as a bluff.
 - (8) The subject should not be advised of the particular method in which the exam is to be conducted. Yet the subject should be told that he/she may experience minimal discomfort and that the procedure will be completely explained to him/her by the examiner.
 - (9) The detective should use the positive approach when asking a subject to submit to an examination. Example: "The facts indicate that you are involved, yet you claim you are not. If you are telling the truth, it will show that." The detective should not attempt to explain the examination in detail. He/she can assure the subject that the polygraph examiner will answer all questions the subject may have.
 - b. One of the principal detectives should be in the polygraph observation room during the entire examination. The detective not only answers all questions that suddenly arise, but also is able to identify the person. Any exceptions to this shall be cleared by the



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detective's immediate supervisor, and the polygraph examiner shall be notified.

c. **Juvenile Suspects:**

- (1) Juvenile suspects make very difficult subjects to examine because of the lack of maturity, both physically and mentally. Many times, a conclusive opinion cannot be obtained by the use of a polygraph because of these factors.
- (2) For subjects who are under eighteen years of age and are to be tested, a consent form must be signed by a parent or legal guardian prior to testing.

d. No person will be examined who has been subjected to mental or physical abuse since his/her arrest.

e. **Guidelines for interrogation prior to the time of the examination.**

- (1) The subject may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime, motive, or desire. This statement should not be interpreted as meaning that the detective should not interrogate during the investigation, but only applies to that period of time prior to the examination.
- (2) Intensive interrogation of the subject prior to the exam should be avoided so that an accurate determination of truthfulness or deception of that subject can be accomplished. Prolonged interrogation of a person produces an exhausted, or antagonistic subject who may then not be a fit subject for examination.
- (3) **Use of Drugs:** The use of certain drugs by a person may affect his/her reactions on the polygraph. If a person has been told by a doctor take a drug, no effort will be made to stop him/her from taking it. The examiner should be told, in each case, when a person has recently taken a drug or medicine.

9. **Planning Test Questions:**

- a. The examiner prepares the test questions on the basis of information supplied by the detective. General facts, theories, and suspicions are not enough; the examiner needs detailed, verified facts. Only one crime will be covered during one examination.
- b. Whenever possible, the detective should inform the examiner of the unpublicized facts of the offense, particularly those known only



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to the victim, the offender, and the detective. The detective should inform the examiner of:

- (1) Specific articles or exact amounts of money stolen.
- (2) Peculiar aspects of the offense, or any strange or obscene act committed at the scene.
- (3) The exact time (when known) the offense occurred.
- (4) Known facts about a suspect's actions or movements.
- (5) Facts indicating a connection between suspects, victims, and witnesses; especially when they deny any connection.
- (6) Exact type of firearm, weapon, or tool used.
- (7) Results of laboratory test.

c. Details of crime to be withheld:

- (1) The investigating officer should avoid disclosure to the suspect of any details or facts established during the investigation.
- (2) Facts concerning the crime, which could only be known to the perpetrators, should never be told to the suspect, press, or the general public. These facts could be of vital importance to the examiner in test and question formulation.
- (3) Examples of details which should not be divulged:
 - (a) Method of entry, tools used to effect entry, the point of entry, extent of damage at point of entry, whether or not entry was made by use of key.
 - (b) Property taken, specific amount, denominations of currency, unusual articles, and any description of articles.
 - (c) Weapon or force used in the commission of the crime (club, gun, knife, poison); also number and location of wounds and bruises.
 - (d) Evidence left at the crime scene by the suspect: tools, weapons, articles of clothing.
 - (e) Unusual acts of suspect before, during, and/or after the commission of crime.
 - (f) Means of exit from the scene: If by vehicle, anything unusual about same (i.e., dents, missing portions, loud exhaust, damage); if on foot, direction taken from scene, if known.



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- (g) Location from which property was taken, where safe or cash box was located, type of container from which money or articles were taken (i.e., green metal cash box, cigar box, laundry bag, paper sack, color of container).
 - (h) This information can possibly be used for known solution, Peak of Tension, Type A tests.
 - d. The questions must be short and simple and be clear to the examinee. They must require only a "yes" or "no" answer and must not contain any words or expressions that the person will not understand or that might need a qualified answer.
- 10. Selecting Interview Techniques: A period of skillful questioning usually follows every polygraph examination. The questioning techniques used by the examiner are similar to those used by the detective. The examiner should select an approach before the test starts, based on the information furnished by the detective and on the subject's background. As the test progresses, the examiner may modify or change his/her planned approach according to the results of the test and the effects it seems to be having on the person being tested.
- 11. By the time the actual test ends, the examiner should have clearly in mind the tactics he/she intends to use during the questioning period. The detective who brought the subject to be tested and who is probably more familiar with the subject than the examiner, will stand by during the test and the interrogation in order to provide any additional information that might assist the examiner in selecting or modifying his/her questioning technique.
 - a. When the polygraph examiner analyzes the polygraph chart, he/she can come to one of five opinions: Truthful, Deceptive, Inconclusive, Not testable, or Incomplete.
 - b. All conclusions or opinions of the polygraph examiner arising from a polygraph examination shall be in writing and be based upon the polygraph chart analysis.
- 12. Obtaining Services of Examiner: Detectives desiring to have a subject examined on the polygraph when the subject agrees to examination shall:
 - a. Cause a Polygraph Examination Request to be prepared and forwarded to the polygraph examiner.



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- b. Examinations shall be scheduled at the convenience of the polygraph examiner and detective, not for the convenience of the person to be examined.
 - c. If for any reason, an appointment cannot be kept, it should be cancelled immediately.
 - d. The polygraph examiner's tour of duty is normally Monday through Friday, 0800 to 1700 hours.
 - e. The detective is to provide the polygraph examiner with all case facts, reports, documents, photos, etc., that he/she has available, including background information on the subject, at least one day prior to the scheduled appointment time.
13. The Polygraph Examiner: The polygraph examiner shall be a sworn officer who has successfully completed both a nationally accredited course of instruction in the detection of deception and accredited training on the instrument being used in this investigative process. The polygraph examiner will administer pre-employment polygraph examinations for this Department and other law enforcement agencies upon request. The polygraph is a valuable tool when utilized in the applicant screening process. Polygraph results, combined with an applicant's background information, are used to assist the administration of our Department select the best-qualified candidate.
- a. The polygraph examiner is responsible for the condition of the polygraph and the polygraph suite. He/she is also responsible for properly maintaining and protecting the polygraph case files and records.
 - b. At no time will the polygraph examiner remove the polygraph from the polygraph examination room unless he/she is expressly so authorized by his/her commanding officer. The polygraph examiner will never use the polygraph in a "game" environment as a "show".
 - c. The polygraph examiner is to refuse to conduct an examination when the person, since being arrested, has been physically or mentally abused. An examination is never to be conducted when, in the opinion of the polygraph examiner, an improper examination atmosphere and/or surroundings prevail.
- It is solely the duty of the polygraph examiner to determine if a polygraph examination should be conducted. The examiner will take into consideration the emotional, psychological and physical condition of the examinee. If the polygraph examiner refuses to conduct a polygraph test due to one of the mentioned reasons,



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that decision will be binding unless the Investigations Division Commander deems the test necessary.

- d. A polygraph examiner will not administer a polygraph examination of any law enforcement personnel without first notifying the appropriate command personnel of the respective department. Approval of conducting such a test must be obtained from the Division commander, and the law enforcement agency requesting the examination will provide all relevant information concerning the investigation.
- e. While in the examination room, the polygraph examiner will never be armed with a weapon, and the polygraph examiner shall refrain from wearing any badge or jewelry which indicates membership in, or association with, any law enforcement organization.
- f. The polygraph examiner will not examine anyone who refuses to sign the Polygraph Examination Waiver, granting permission for the test to be conducted.
- g. If the results of a polygraph examination are inconclusive, it is the polygraph examiner's responsibility to decide if and when a re-examination should be scheduled.
- h. The polygraph examiner will complete a written report covering every administered polygraph examination. The written report and its contents are never to be disseminated by anyone to any unauthorized sources, unless so ordered by the Investigations Division Commander.

The polygraph examiner shall send a copy of the report to the requesting detective and shall retain a separate personal copy. The polygraph examiner shall retain a current log of all tests administered by him/her.

- i. The examiner will evaluate the charts and form a conclusion before allowing POLYSCORE (Polygraph Automated Scoring System) to evaluate the charts. The results of the examiner are final, the results of POLYSCORE are strictly for the purpose of quality control. The review of criminal-type tests by POLYSCORE is important for the following reasons.
 - (1) To promote professionalism in polygraph examinations.
 - (2) To help eliminate the potential for errors by providing a system of checks and balances.
 - (3) To enhance the credibility and reliability of the polygraph examinations in the event of their review in any type of court proceedings. On a random basis, criminal and pre-



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employment examinations conducted by an examiner of this Department shall be reviewed by an independent examiner for the purpose of quality control.

14. Prohibited Practices:

- a. The polygraph examination will not be used as a substitute for an investigation. The polygraph is a supplemental to, not a substitute for, a field investigation. The more thorough and complete the investigation, the better the chance of a conclusive opinion from the examiner.
- b. Only one crime or issue will be covered during any one examination. If the detective wants a second crime covered, then it will be asked at a later date.
- c. Anyone indicted by a Grand Jury, or formally charged with that crime in a court, should not be given a polygraph examination except when a polygraph agreement and stipulation has been properly signed.
- d. A person who has already been examined on this same crime by another law enforcement agency, shall not be administered an examination without the approval of the Investigations Division Commander.
- e. A test will not be given until enough facts have been established to permit an examiner to prepare a complete set of suitable questions.
- f. Never withhold any pertinent information on either the crime or the subject from the polygraph examiner.
- g. Never use the polygraph examination as a "bluff". Do not ask the subject to submit merely to "bluff" him/her, then when he/she agrees, you forget it. This does not mean he/she is innocent at all. Do not ask him/her to take an examination unless you mean for him/her to take it.
- h. A test will be given only on a voluntary consent of the person to be tested, after his/her legal rights as to self-incriminating statements have been explained to him/her/
- i. No indication will be given to any person, or placed in any report, that a person will be considered guilty because he/she refused to take the test.
- j. A test will not be given until the test and the accusations have been explained to the person.



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- k. No attempt will be made to use the polygraph for mental or physical evaluation of a person.
 - l. An examiner will not test a person who is mentally or physically unfit, or who has been made unfit for the test by improper or prolonged interrogation.
15. Avoidable Mistakes: Most unsatisfactory polygraph examinations are due to two main factors: Unfit subjects and unprepared examiners and detectives.
- a. The best examiner may, in some cases, not be able to arrive at a definite opinion as to whether a person is telling the truth. The examiner will refuse to give a definite opinion when the test results do not justify.
 - b. The detective should keep the following in mind:
 - (1) Do not wait until the last minute to ask a person to take the test. The test should not be used as a last resort after all other methods have failed.
 - (2) Do not fail to investigate the case before you ask a person to take the test. Faulty or incomplete investigation is a pitfall. The background information on each subject should be as complete as is possible.
 - (3) Do not fail to consult the examiner when you are in doubt about a person's fitness to take the test. If there is still a doubt, the examiner should consult a doctor.
 - (4) If for some reason the examination is to be repeated, do not stop the investigation to wait for it. Do not pester the suspect, but continue the investigation by every proper means.
 - (5) Do not depend on the mass screening of possible suspects to produce a real suspect or a guilty party. This method is used only when no reasonable amount of investigation has produced a suspect, or materially narrowed the number of suspects.

Mass screening is not a good approach in many cases, because it indicates that the detectives have failed to identify logical suspects. Furthermore, it is time consuming and does not always produce satisfactory results. When mass screening is to be attempted, careful plans and



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preparations should be made before starting any of the tests.

16. Purging Files:

- a. Criminal Specific Polygraph file shall be kept until the statute of limitations has been reached. At such time, the file can be purged/shredded.
- b. Applicant Screening Polygraph files shall be kept up to three years if the applicant was never hired. If after three years, the applicant has not been hired, the file (s) on that applicant can be purged/shredded.

If an applicant is hired, the file shall be kept until that applicant retires, resigns, is terminated, expires in death, or otherwise leaves the Department ending their employment.

- c. Applicant Screening Polygraph files conducted for outside agencies shall be kept for three years and at such time can be purged/shredded. A copy of that file shall be sent to the agency requesting the interview and ultimately will retain their permanent copy according to their own SOP.

Criminal Specific Polygraph files conducted for outside agencies shall be kept until the statute of limitations has been reached. At such time, the file can be purged/shredded. A copy of that file shall be sent to the agency requesting the interview and ultimately retain their permanent copy according to their own SOP.

7-11 INVESTIGATIVE PROCEDURES - INTELLIGENCE SECTION:

- A. General: The Intelligence Section is responsible for the collection, collation and dissemination of criminal intelligence information. The Section is governed by guidelines set forth in Chapter 692 of the State Code of Iowa. This requires strict adherence to the security of information as well as its dissemination.

Purpose: To provide investigative leads, in the form of criminal intelligence, to aid in the investigations of crime. In addition, contributes to the needs of the Chief of Police and his staff in the administration of departmental functions.

- B. Function: The Intelligence Section will be involved in the collecting of data concerning any individual or group with a predisposition toward criminal activity.

1. Their personal habits.



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2. Associates.
3. Group affiliation.
- C. Activities of the Intelligence Section shall not interfere with the exercise of constitutionally guaranteed rights and privileges.
 1. Only information that is directly and immediately related to the department's mission will be collected and retained.
 - a. This information will be retained only as long as it is needed.
 - b. This information will be disseminated only for the purpose of aiding the performance of public police functions.
- D. The Intelligence Section shall conduct unique investigations as directed by the Division Commander.

7-12 HEADQUARTERS:

- A. Information Services:
 1. Personnel assigned to Information Services are under the direct supervision of the section commander they are assigned.
 2. Information Services personnel shall serve as a liaison between the Division and the general public during normal business hours Monday through Friday.
 3. The public's opinion of the Department is greatly influenced by contacts over the telephone and in person. All public contacts will be handled in a professional, timely, polite and conscientious manner.
 4. Information Services personnel will acknowledge a person's presence immediately and will maintain a pleasant and courteous demeanor.
 5. If Information Services personnel are unable to answer a caller or person's request, the employee shall refer the call or person to specific Section personnel or a supervisor.
 6. Telephone Protocol:



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- a. All Division telephone calls will be answered promptly by stating, "Investigations Division, May I Help You". All telephone conversations should close with a polite "Thank You".
- b. If the employee being called is not present, offer to connect to voice mail and advise the caller of the projected time of return. If the employees voice mail is full, offer to take a message and ensure the message is delivered or notify the Section supervisor.
- c. Should the callers not identify themselves, personnel should ask for their name prior to transferring the call.
- f. Connecting calls:
 - (1) Explain that you are going to connect the call.
 - (2) Press "Transfer".
 - (3) Dial the desired extension.
 - (4) When the employee answers, state who is on the phone and he/she will be there when you hang up.
 - (5) Hang up.
- g. Personnel are also responsible for fielding calls from the direct DB line located at the 1st floor Information Desk area. These calls are initiated by persons at the Information Desk who wish to speak with detectives or other Division personnel, as well as those who may have a scheduled appointment or interview.
- f. Callers on the direct line will not be transferred to another extension unless it has been confirmed someone is available to accept the call. Personnel will make the appropriate arrangements to assist with all direct line calls in a timely and effective manner.

7. Specific Tasks:

- a. Unlocking the doors on floors 1-2 of the north stairwell at 0800 hours, ensuring that the 3rd floor stairwell door remains locked.
- b. Unlocking the north elevator, ensuring that third floor elevator access is restricted.
- c. Receiving and forwarding messages for Division personnel.
- d. The preparation and entries of daily assignments into the computer from the anticipatory schedules entered by the sections / units.



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- e. Provide radio communication, if deemed necessary or requested, to assist field personnel.
 - f. When utilizing radio communication, maintain a Radio Communication Log indicating the street status and location of Division personnel.
 - g. Notify Division personnel of court subpoenas and maintain a log of subpoena activity.
 - h. Type chapter 809 and chapter 80.39 letters as needed. These letters are associated with the certified mailings for property release according to chapter 80.39 of the Iowa code. (Revised 4-21-05)
 - i. Instruct visitors requesting release of property that has been released by an assigned detective to proceed to the Property Management Section.
 - j. Act as receptionist(s) and information source to citizens with or without appointments.
 - k. Lock doors on floors 1-2 of the north stairwell at 1700 hours.
 - l. Lock north elevator.
8. Related duties as assigned or directed.

7-13 ARREST PROCEDURES:

A. Introduction:

- 1. Officers shall be cognizant of personal safety when making arrests and investigating suspicious persons. While some risk is involved in police service, officers should not unnecessarily jeopardize their lives. (Revised 4-25-05)
- 2. Officers shall not use unnecessary force in making an arrest or in dealing with a prisoner or any person. Prisoners and suspects shall be treated in a fair and impartial manner. They shall not be humiliated, ridiculed, taunted or embarrassed. Officers shall not strike or use any other form of physical force on a prisoner or other person except when necessary to prevent escape or in self-defense or to prevent violence to another person. Officers shall report each instance of their use of force before



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ending their tour of duty in accordance with General Order 04-1,
Departmental Personnel Rules.

- B. Definition of Arrest: Reference – Chapter 804.5, State Code of Iowa. Arrest is the taking of a person into custody when and in a manner authorized by law, including restraint of the person or the person's submission to custody.
- C. Persons Authorized to Make Arrest: Reference – Chapter 804.6, State Code of Iowa. An arrest on a warrant shall be made only by a peace officer; in other cases an arrest may be made by a peace officer or a private person as provided in Section 804.10.
- D. Arrest By Peace Officer:
 - 1. Reference: Chapter 804.7, State Code of Iowa. A peace officer may make an arrest in obedience to a warrant delivered to the peace officer and without a warrant when:
 - a. A public offense is committed or attempted in the peace officer's presence.
 - b. Where a public offense has, in fact, been committed and the peace officer has reasonable grounds for believing that the person to be arrested has committed it. (Revised 4-25-05)
 - c. Where the peace officer has reasonable grounds for believing that an indictable public offense has been committed and has reasonable grounds for believing that the person to be arrested has committed it.
 - d. Where the peace officer has received from the Department of Public Safety or from any other peace officer of this state or United States, an official communication by bulletin, radio, telegraph, telephone, or otherwise informing the peace officer that a warrant has been issued and is being held for the arrest of the person to be arrested on a designated charge.
 - 2. If the peace officer has reasonable grounds for believing that domestic abuse, as defined in Section 236.2, has occurred and has reasonable grounds for believing that the person has committed same, then that person shall be arrested.
- E. Use of Force By Peace Officer Making an Arrest:
 - 1. Reference: Chapter 804.8, State Code of Iowa. A peace officer, while making a lawful arrest, is justified in the use of any force that the peace



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officer reasonably believes to be necessary to affect the arrest or to defend any person from bodily harm while making the arrest.

F. Manner of Making Arrest:

1. Reference: Chapter 804.14, State Code of Iowa. The person making the arrest must inform the person to be arrested of the intention to arrest the person and the reason for arrest and that the person making the arrest is a peace officer and require the person being arrested to submit to custody, except when the person to be arrested is actually engaged in the commission of, or attempting to commit, an offense or escape, so that there is not time or opportunity to do so.

G. Breaking and Entering Premises—Demand to Enter:

1. Reference: Chapter 804.15, State Code of Iowa. If a law enforcement officer has reasonable cause to believe that a person whom the officer is authorized to arrest is present on any private premises, the officer may, upon identifying the officer as such, demand that the officer be admitted to such premises for the purpose of making the arrest.
2. However, in order for the officer to search a third-party residence for the defendant, the officer needs a search warrant (absent consent) in addition to an arrest warrant. This also applies to commercial premises where there is a reasonable expectation of privacy in the premises.
(Revised 9-28-05)
3. The exceptions Chapter 804.15 in which entries may be made without announcing the officers identity and purpose are:
(Revised 4-25-05)
 - a) Exigent circumstances exist where:
 - (1) Person's within already know of the officers' authority and purpose,
 - (2) Officers are justified in the belief that persons within are in eminent peril of bodily harm, or
 - (3) Those within, after made aware of the presence of someone outside, are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted.
 - b) Hot Pursuit exists when there is: (Revised 9-28-05)
 - (1) Probable cause to believe the suspect recently committed a crime, and



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- (2) The suspect is fleeing from officers who are in pursuit of the suspect for the recently committed crime.

H. Arrest of Material Witness:

1. Reference: Chapter 804.11, State Code of Iowa. When a law enforcement officer has probable cause to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena, the officer may arrest such persons a material witness, with or without a warrant.
2. At the time of arrest, the law enforcement officer shall inform the person of:
 - a. The officer's identity as a law enforcement officer, and...
 - b. The reason for the arrest; which is that the person is believed to be a material witness to an identified felony and that the person might be unavailable for service of a subpoena.

I. Arrest of Juveniles:

1. Definition of Arrest:
 - a. Reference: Chapter 232.19, State Code of Iowa and DMPD Training Bulletin 88-3.
 - b. Arrest is the taking of a person into custody when and in a manner authorized by law, including restraint of the person or the person's submission to arrest.
2. Persons Authorized to Make Arrest:
 - a. Reference: Chapter 232.19, State Code of Iowa.
 - b. An arrest on a warrant or court order shall be made only by a peace officer, juvenile court officer or juvenile probation officer.
3. Arrest by Peace Officer:
 - a. Reference: Chapter 232.19, State Code of Iowa.
 - b. A peace officer may make an arrest in obedience to a warrant or court order delivered to the peace officer and without a warrant when:
 - (1) By order of the court for a delinquent act pursuant to the laws relating to arrest.



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- (2) By a peace officer for the purpose of reuniting a child with the child's family or removing the child to a shelter care facility when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian or custodian.
 - (3) By a peace officer, juvenile court officer or juvenile parole officer when the officer has reasonable grounds to believe the child has committed a material violation of a dispositional order.
- 4. Use of Force:
 - a. When taking a juvenile into custody you shall not place bodily restraints, such as handcuffs, on the juvenile unless the juvenile physically resists or threatens physical violence; or, is being taken into custody for an act of violence against a person; or, in the reasonable judgment of the officer, the juvenile presents a risk of injury to their self or another person.
- 5. Manner of Making an Arrest:
 - a. Reference: Chapter 232.19, State of Code of Iowa.
 - b. The person making the arrest must inform the person to be arrested of the intention to arrest the person, the reason for arrest, that the person making the arrest is a peace officer, and require the person being arrested to submit to custody, except when the person to be arrested is actually engaged in the commission of or the attempt to commit an offense or escapes, so that there is not time or opportunity to do so.

7-14 USE OF FORCE:

- A. Reference: General Order 04-1, Departmental Personnel Rules.
- B. Officers shall not use more force than necessary in making an arrest or while maintaining custody of the individual arrested. An "Arrest Incident Report" (92-374) shall be initiated by the officer.

7-15 USE OF HANDCUFFS:

- A. General:



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1. Every police officer recognizes that prisoners may be handcuffed at the time of arrest.
 2. Officers have been killed or seriously injured because they negligently underestimated persons they have arrested.
- B. Purpose: The purpose of this section is to provide guidance and instructions as to the use of handcuffs.
- C. Persons To Be Handcuffed or Flexcuffed:
1. Those adults arrested for felonies.
 2. Those adults arrested for misdemeanors when there is an indicator of resistance or possible escape.
 3. Those adults arrested who are violent, offer or attempt physical resistance, or become belligerent and argumentative.
 4. Those adults who, in the judgment of the officer, pose a threat to himself or herself, another person or the officer.
- D. To prevent or reduce the possibility of picking or slipping the locking mechanism, handcuffs shall be double locked.
- E. Search of Person:
1. Two officers present; search before handcuffing.
 2. One officer present; handcuff and then search.
- F. Use of Handcuffs
1. Handcuff hands back-to-back, palms out, behind back.
 2. Do not handcuff person to fixed object.
 3. Do not handcuff self to person.
 4. Do not use handcuffs as a "come-along".
 5. If complaint that handcuffs are too tight, make immediate inspection of wrists; if complaint valid, loosen handcuffs.
- G. Application, One Person



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1. Place person to be handcuffed against wall or vehicle and use wall search position.
2. Complete search and instruct prisoner to bring right hand to back and to support weight with left hand.
3. Place on handcuff on right wrist, palm facing outward; keep person off-balance at same time.
4. Instruct person to place head against support and bring left hand to back, slip free end of handcuff under the person's belt and attach to left wrist.
5. Double lock and inspect to insure they are secure and not too tight.

H. Application, two Persons, One Set of Handcuffs

1. Place persons to be handcuffed against wall or vehicle or other support and use wall search position.
2. Complete search and instruct prisoner on the right to bring right arm to rear. Turn palm outward and attach handcuff to right wrist. Enter free end of handcuff through belt.
3. Instruct second prisoner to bring right arm behind, palm facing out, and attach handcuff to right wrist.
4. Double lock and inspect to insure handcuffs are secure, but not too tight.

I. Handcuffing Juveniles:

1. When taking a juvenile into custody, restraints may be used under any of the following conditions:
 - a. The juvenile physically resists;
 - b. The juvenile threatens physical violence when being taken into custody;
 - c. The juvenile is being taken into custody for an act of violence against a person; or
 - d. In the reasonable judgment of the officer, the juvenile presents a risk of injury to their self or to another person.



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7-16 USE OF FIREARMS:

- A. Reference: See Departmental General Order 04-1, Personnel and Administrative Rules, Chapter 6.
- B. General: This section contains instructions regarding the use of firearms by Division personnel in accordance with departmental policies.

7-17 USE OF SHOTGUN:

- A. General:
 - 1. Division .12 gauge pump shotguns are located in Room 314 (Headquarters Sergeant's office) in a locked storage cabinet.
 - 2. Personnel shall receive approval from the individual section commander for use of Division weapons.
 - 3. Weapons shall be issued by the Headquarters Sergeant and a check-out log will be maintained.
 - 4. Ammunition will be stored with shotguns in locked storage cabinets.
- B. Transportation and Use:
 - 1. Personnel shall carry shotgun in trunk with trunk locked, until there is need for shotgun to be removed.
 - 2. Four rounds shall be carried in the magazine.
 - 3. No rounds shall be carried in the chamber until there is a need to use shotgun.
- C. Shotgun and ammunition will be returned to the Headquarters Sergeant. Gun shall be empty with slide action open and safety on.

7-18 SEARCH OF SUBJECTS:

- A. Personnel of this Division shall use three basic types of search:
 - 1. The frisk or pat-down: A cursory search of the suspicious person for weapons large enough to be detected through clothing.



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2. The field search: A more detailed search of an arrested person in which every square inch is covered and both weapons and evidence are removed. In the field search, personnel may go inside the prisoner's clothing to remove items which might be used as a weapon or which might have evidentiary value.
3. The strip search: A thorough examination of the prisoner and his clothing in which his clothing is removed, body openings probed, and all clothing carefully searched.
 - a. Reference: Chapter 804.30, State Code of Iowa.
 - b. This type of search is to be used in strict accordance with the State Code of Iowa.

B. Type of Search to be Used:

1. Frisk or pat-down is used by personnel conducting a field interrogation under suspicious circumstances where probable cause to arrest is not present and a pat-down search for weapons is conducted for officer protection.
2. Field search is used by personnel whenever an arrest is made and individual is to be transported to the station for booking and is used by booking officers before booking.
3. Strip search may be utilized only when there is probable cause to believe the person is concealing a weapon or contraband and the person has been arrested for a crime. Once it has been determined probable cause exists, personnel shall refer to Chapter 804.30, State Code of Iowa for explicit procedures to follow.
(Revised 4-25-05)

C. Search of Females:

1. Remove all obvious sources where weapons may be hidden:
 - a. Purses.
 - b. Outer garments, coats, etc.
 - c. If in doubt, handcuff.
2. Search of Person: Searches of females shall be conducted only by another female. If no female officer is present, personnel shall contact the Communications Center to dispatch a female officer.



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- D. Search of Juveniles: Personnel shall use same procedures as outlined for adults.

7-19 INFORMATION TO BE OBTAINED AT THE TIME OF ARREST:

- A. General: In order for personnel of this Division to prepare accurate, complete and concise reports, and be prepared to testify in court, the following information shall be recorded when making arrests.
1. Location of Arrest.
 2. Date and Time of Arrest.
 3. Reason or Charges for Arrest.
 4. Words Spoken at Time of Arrest:
 - a. By officer.
 - b. By arrestee.
 - c. By witnesses.
 - d. Any other pertinent conversation.
 5. Evidence:
 - a. Where found.
 - b. What was secured.
 - c. Secured by whom.
 - d. Date and time secured.
 - e. Marked by whom.
 6. If After Hours of Darkness:
 - a. Type of lighting and location of lights.
 7. Weather Conditions.
 8. Street Conditions.
 9. Filing of Charges:
 - a. Arresting officer responsible for completing of criminal complaint and probable cause forms.
 - b. Criminal complaints not filed:



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- (1) Juvenile arrests.
- (2) Arrest on warrants.
- (3) Arrests for other agencies.

7-20 TRANSPORTING PRISONERS:

- A. General: Personnel of this Division should attempt to utilize Operations Division elements to transport prisoners when available. Should the wagon or two-person element not be available, then Division personnel will double up to transport the prisoner. One of the vehicles will be parked, keys removed, and vehicle locked.
- B. Procedures for Transporting Prisoners:
 1. One-person elements shall not be used to transport prisoners.
 2. No more than two prisoners shall ordinarily be transported in one sedan. Should it become absolutely necessary to transport three, then all three shall be handcuffed, regardless of class of offense being transported for.
 3. Prisoners being transported by sedan shall ride in right side of rear seat, and assisting detective shall ride behind driver. If it is necessary to transport a third prisoner, they shall ride in front seat, handcuffed and seat-belted in.
 4. All prisoners shall be given a field search by transporting detectives prior to being placed in transporting vehicle.
 5. Transporting detectives shall inspect the interior of vehicle for anything that may be used as weapon prior to loading prisoner. Thus, it is ensured no weapon or other evidence was there prior to the prisoner being placed there.
 6. After removing prisoner, another inspection of the vehicle shall be made to ensure that no weapons or evidence have been hidden by prisoner.
 7. Any injured or unconscious person shall be taken to Broadlawns Medical Center for treatment or examination prior to being transported to the booking facility. This precaution is taken even if there is a strong odor of alcohol on the prisoner's breath.
 8. Although prisoners may refuse medical attention, they shall still be transported to Broadlawns Medical Center for treatment or examination.



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Then, if treatment is refused, this is witnessed by a physician. This information shall then be included in the detective's report, listing the doctor's name as witnessing the prisoner's refusal of treatment.

C. Transporting Females:

1. Males, females, and juveniles shall not be transported together unless arrested at same crime scene.
2. Mileage shall be given to the Communication Center when transporting female prisoners.
3. Upon arrival at booking facility, notification is given to Communications Center of ending mileage and verification of time.

D. Transporting of Juveniles:

1. A male and female juvenile are transported the same as adult males and females.
2. Juveniles shall not be transported with adults unless arrest was made at same crime scene.

E. During transportation, all traffic regulations shall be observed, yet there shall be no unnecessary delays.

7-21 OBTAINING TELEPHONE LISTING INFORMATION FROM CARRIER:

A. Purpose: To provide personnel with a method to obtain a telephone number when address is known or an address when telephone number is known.

B. Numbers to Call: Information to be obtained.

1. The Communication Center may be notified for local assistance.
2. To obtain customer information from a regular published phone number, which does not require a subpoena, detectives may call Qwest Communications Customer Address Center, 1-303-896-2519 or 1-303-896-3012. An automated system search may be utilized or up to three telephone numbers may be forwarded for research. Detectives shall provide their name and contact number, their agency name, the Department Personal Identification Number (PIN) 323-D-65, and the number(s) they wish to have researched.



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3. Emergency contact number, 1-800-215-4829, emergencies only.
 4. Subpoena Information, 1-303-896-2522.
 5. To fax subpoenas, 1-303-896-4474.
 6. Trap / trace information, 1-303-896-7290.
- C. Identification confirmation will be by PIN (323-D-65).

7-22 NUISANCE, OBSCENE, DPQ OR THREATENING TELEPHONE CALLS:

- A. When investigating a complaint of objectionable telephone calls and the detective determines that tracing equipment is warranted, the following procedures shall be followed:
1. Contact Qwest Communications Annoyance Call Bureau, Non-Emergency Police Line 1-800-446-8134. This number is for use by law enforcement personnel only and is not to be released.
 2. The detective may contact the Technical Operations Department at 323-0408 for assistance in emergency situations.
 3. When after-hours tracing is requested or tracing equipment is placed on a number, the detective must call the Annoyance Call Bureau the next business day to ensure that a tracing file is initiated.
 4. Qwest Communications will send an "Authorization for Release of Line Identification Form" to the complainant. Once this form has been signed and returned to Qwest, the trace results may be released to the detective.
 5. Tracing equipment is usually left in place for two weeks before being automatically removed, unless the detective has requested to be notified before removal.
 6. Occasionally a detective may choose to have the complainant contact the Annoyance Call Bureau directly. When this is done the number for non-law enforcement personnel is 1-800-582-0655.

7-23 RELEASE OF TOLL INFORMATION FROM TELEPHONE CARRIERS:

- A. Customer long-distance telephone call records are obtained by securing a Polk County District Court Order through the Polk County Attorney's Office.



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- B. The Polk County Attorney's Office may issue a County Attorney's subpoena to obtain long-distance call information as well.

7-24 **FIELD INTERROGATION REPORTS:**

- A. Purpose: The purpose of this paragraph is to prescribe guidance and procedure in the stopping and recording of information for field interrogation.
- B. General:
1. Persons at the scene of a crime are expected, in accordance with the obligations of a responsible citizen, to give whatever information they possess to the investigating officer. If personnel impose no physical or psychological restraint over them, generally, on-the-scene questioning as to the facts and circumstances surrounding the crime is proper.
 2. A person questioned at the scene who refuses to give information may not be detained, even temporarily, unless there is probable cause to arrest the subject.
 3. Personnel, in the proper performance of their investigative work, must solicit information from those persons believed to have knowledge relating to the crime.
 4. A police officer may, in appropriate circumstances and in an appropriate manner, approach a person for purposes of investigating possible criminal behavior, even though there is no probable cause to make an arrest. Of course, the person stopped is not obliged to answer. Answers may not be compelled, and refusals to answer furnish no basis for arrest.
 5. Citizens will generally cooperate readily with all personnel in investigations. There are some exceptions, however, among all groups. Some individuals resent interrogation for which they see no adequate explanation, and some citizens have experienced abuse in such interrogations.
 6. Those individuals who refuse to give information have a right to refuse; and in the exercise of that right, may not be coerced or detained by personnel of this Division.
 7. Personnel may stop a person and detain briefly to request that the subject identify self and explain presence. They may investigate the



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possibility of criminal behavior if the individual's actions would lead a reasonable person to believe that the action taken was appropriate under the circumstances. However, after the brief detention, the person must be released if not arrested. The fact that the person stopped will not answer the questions is not grounds for arrest, and that person shall not be arrested.

- C. Recording: Information obtained in field interrogation or of known individuals observed in the field, shall be recorded on Des Moines Police Department Form 70-119-3 (See Field Reporting guide).
- D. Use of Field Interrogation Reports:
 - 1. Field Interrogation Reports will be used for the following purposes:
 - a. To provide reference material for relating persons to offenses and clearing offenses.
 - b. To integrate information concerning persons whose activities and movements are of a questionable nature.
 - c. To serve as a deterrent to the commission of offenses.
 - d. Evidence of a crime may be discovered.
 - e. To add reference material to files of criminals showing whom their associates are, the description and license number of the vehicle they are currently driving, and their current address.
- E. Persons to Report on Field Interrogation Reports: (FIR)
 - 1. Only one person will be reported and forwarded on each FIR.
 - 2. Individuals encountered or observed on the street who are known criminals.
 - 3. Individuals encountered in the field under circumstances which justify questioning, but circumstances that are insufficient to warrant arrest for investigation.
 - 4. Individuals found in suspicious circumstances, in regards to time, place, appearance and actions. When one of these elements appear to be out of the ordinary, this may indicated that an interrogation report should be made. (Revised 4-25-05)
- F. Procedure: (Revised 4-25-05)



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1. Information shall be printed on the Des Moines Police Department Form 70-119-3.
2. Officers completing report shall list their name first if working with another officer.
3. All applicable blocks shall be completed, and blocks stating circumstances involved shall always be completed. Under no circumstances shall the term routine check be used.
4. If a known criminal or suspect is observed by the officer, then information may be recorded on the subject without stopping or making him aware information was recorded. There will be circumstances arise where there is no need to even interrogate the subject on the report.
5. If it is determined that an operator license belongs to the subject of report, then most of the information needed may be obtained from the license. Officer should take license to his vehicle and record information.

G. Disposition and Distribution of Field Interrogation Report:

1. Turn in completed form to sergeant or section commander at end of tour of duty.
2. Sergeant or section commander shall:
 - a. Inspect the "Field Interrogation Report:"
 - (1) Ensure completeness.
 - (2) Ascertain report on the person is justified; if not justified, report shall be destroyed.
 - (3) Ensure legibility.
 - b. Upon completing review, person will enter name and rank in block of upper left hand corner of report, over words "Field Interrogation Report, Des Moines Police Department."
 - c. Forward report to Records Section for department distribution.

7-25 INTERVIEWING WITNESS(ES):

- A. General: An investigation involves the task of gathering and evaluating information from both things and people. Acquiring information from people is the most difficult. This is because people are affected by numerous physical and emotional factors which can color the validity of the information given.



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Information obtained from people must be evaluated very carefully. In an interview, people must give information willingly.

- B. Purpose: Questioning is an important feature of interviewing, but the interview is more than answering questions. The purpose of the interview is:
1. To obtain the facts regarding an offense.
 2. To discover information about the person believed to have been involved in the offense.
 3. To obtain background information or any other type of intelligence.
 4. To corroborate information obtained from other sources.
- C. Subject of Interview:
1. Victim.
 2. Complainant.
 3. Witness.
 4. Any person who can constructively assist personnel of this Division to obtain a better understanding of a case under investigation.
- D. To Conduct a Good Interview, Personnel Shall:
1. Read appropriate reports and be familiar with circumstances originally reported to police.
 2. Maintain control of the interview.
- E. Preparing for the Interview:
1. Timing:
 - a. The most appropriate time to conduct an interview is as soon as possible after an incident.
 - b. The interview of an emotionally upset person may have to be postponed.
 - c. Any physical discomfort experienced by the subject will have a bearing on the interview.



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2. Setting:
 - a. Select a private place without distractions.
 - b. If a major investigation, a private interview room at the police station is appropriate.
 - c. Eliminate physical barriers, if possible.
3. Information to obtain:
 - a. Who, What, Where, When, Why, and How.
 - b. Background information on subject being interviewed.
 - (1) Full name.
 - (2) Address.
 - (3) Home/business telephone numbers.
 - (4) Place of employment.
 - (5) Hours of employment.
 - (6) Any physical disabilities, i.e., hearing, sight, etc.
 - (7) Emotional state at time of occurrence.
 - (8) Previous experience and education.
 - (9) Determine if the witness is friendly or hostile.
 - (10) Determine if the witness has prejudice or bias.
 - (11) External physical factors (this includes distance witness was from event, lighting, weather conditions, or other noises).

7-26 **TAKING STATEMENTS:**

- A. General: Statements are valuable as a permanent record of what was said by a suspect or a witness.
- B. Purpose of Statement:
 1. Prior to testifying in court, the statement serves as a reminder to the detective of the events.
 2. Can be used to impeach witness testimony.
 3. Deter witness from changing testimony.
 4. Serve as a basis for further inquiry.



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C. Procedures of Statement Taking – Major Case Investigations:

1. In all major cases, especially those involving death or serious injury, every effort should be made to take statements from principal witnesses and suspects.
2. The investigation and statement process must be carefully and thoroughly prepared.
3. The investigation will concentrate on evidence and legal requirements.
4. All rules of evidence and constitutional guarantees will always be applied to the interview to protect the integrity of the case.
5. Any practice that could be described as being “inherently coercive,” or which would make it likely that any individual would express cooperation or confess to any unlawful activity as a result of induced fear will not be tolerated.
6. In the interview process, be sensitive. Comply and respect human rights as well as the legal.
7. When questioning individuals, harsh and abusive language, epithets, profanity and other vulgarities should not be used. Personnel shall employ methods of communication on a level consistent with the various degrees of cultural and educational backgrounds present and unique to each individual.
8. Based on the interview, the detective, when practical, shall then take a recorded statement using the optional “Statement Outline” Form (Annex I, page I-3).
9. Prior to the recorded statement, the detective may interview the witness and take written notes. This allows the detective to determine what knowledge the witness possesses and what his/her response will be.
10. The taped statement will be given to the Section Sergeant who will make arrangements for transcribing.
11. The tape, when transcribed, will be filed in Section files for possible future use in court.
12. The transcribed statement will become part of the case file.



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D. Procedures for Taking Statements in Non-Capital Cases:

1. The detective may use the "Statement Outline" Form for guidance (Annex I).
2. The detective shall take notes during the interview. When completed, the detective will incorporate the contents of the statement with his/her supplemental report.

7-27 VIDEO RECORDING STATEMENTS

A. General: Videotaping an interview of a suspect and/or witness has the inherent benefit of providing a valuable permanent record and ensuring complete and accurate documentation of the interview itself. The advantage and value of videotaping is not affected by whether or not the material is ultimately deemed admissible as evidence in a criminal proceeding.

B. Purpose of Video Recording:

1. To maximize the reliability and credibility of the witness and/or suspect. Knowing that an interview may be videotaped is likely to improve the overall performance of the principals involved and greatly deter the possibility of changing or recanting statements at a later date.
2. To illustrate the investigative techniques employed by the detective in obtaining the suspect/witness statement.
3. To capture the demeanor of the parties to the interview and preserve variables such as tone of voice, nonverbal behavior, pauses, gestures and other factors which may affect an interview but are lost unless there is a recording.
4. To negate possible defense strategies designed to attack or question the scope or substance of an interview based on a multitude of variables including procedural or constitutional issues.
5. To provide an accurate and permanent record which may be utilized to impeach witness testimony, assist in court preparation, serve as a basis for further inquiry, ensure a complete accounting of all statements conveyed and provide a means by which a review or analysis of the interview process can be accomplished.

C. Procedures for Video Recording Statements:



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1. In all major cases, every effort should be made to video record statements of principal suspects. This would include, but is not limited to; Homicide, robbery, arson, kidnapping, sexual assault and burglary when these offenses are categorized as first degree. It is recommended that any offense involving serious bodily injury which may result in death, or any offense which may qualify for a hate crime enhancement, also be videotaped if practical. These guidelines shall not be interpreted as mandatory for the listed crimes, or restrictive for other unlisted offenses. The option for video recording of any offense, when deemed appropriate and warranted, is at the discretion of the respective Section Commander.
2. Prior to the interview, the videotape will be placed into the video recorder. The detective(s) will video record while simultaneously audio recording the interview on a cassette tape. Both procedures will be completed in accordance with the established protocol for statement taking (Refer to 7-25, Statement Taking).
3. The video recording, as well as the audio recording, will be properly labeled at the conclusion of the interview to include the case number, date and time of the interview, the name of the officer(s) conducting the interview and the name of the suspect/witness.
4. The video recording will be retained by the detective within his/her assigned section unless instructed by the section supervisor /commander to record and forward to the Property Management Section. If so instructed, the detective shall document the videotape on the Property Report Form 74-105-3, and deliver to the Property Management Section to be retained as evidence.
5. The video recording will become a permanent part of the case file.
6. The video recording will be retained for an indefinite period of time that will be contingent upon the circumstances of each particular case. The separate section from which the video was generated shall be responsible for the coordination of disposal with other concerned or interested entities (County Attorneys Office, U.S. Attorneys Office, F.B.I., etc.). The disposal of any video recording involving a felony investigation requires the concurrence of the respective Section Commander.

7-28 OBTAINING FINGERPRINT EXEMPLARS NOT IN FILE:

- A. General: The courts have held that fingerprints are not protected by either the Fourth or Fifth Amendments; however, fingerprints taken during an unlawful



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detention will be excluded from evidence, and a person cannot be arrested for the purpose of obtaining fingerprints.

- B. Division personnel desiring to obtain fingerprints of persons whose prints are not in Identification Section files, will:
 - 1. Determine if prints may be on file with other agencies (Federal, State, County, etc.).
 - 2. If subject consents to be fingerprinted, transport to Identification Section for the taking of fingerprints and palmprints.
 - 3. If subject is suspect in an on-going investigation and refuses to submit elimination prints, contact Polk County Attorney and obtain a "Court Order for Non-Testimonial Identification" for fingerprints, photos, or other body samples (hair, saliva, blood, or a search warrant, etc.)

7-29 OBTAINING HAND WRITING EXEMPLARS NOT IN FILE:

- A. Purpose: The purpose of this paragraph is to provide guidance and direction in obtaining handwriting exemplars for comparison when such exemplars are not on file.
- B. General: The courts have held that handwriting exemplars are not protected by either the Fourth or Fifth Amendments. However, exemplars taken during an unlawful incarceration will be excluded from evidence, and a person cannot be arrested for the purpose of obtaining exemplars.
- C. Procedures for Obtaining Handwriting Exemplars:
 - 1. If person is willing, go to location of person and obtain sample.
 - 2. If individual refuses, make application through the Polk County Attorney for a search warrant or a court order for a Non-Testimonial Identification Order.
 - 3. In such a case, the "London Letter" method shall be used by the Detective to take handwriting samples from the adult or juvenile. Handwriting samples should be taken for crimes such as bank robbery, kidnapping, forgery, or any offense which may warrant comparative analysis.
- D. Instructions When Taking Exemplars:



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1. A standard exemplar such as the "London Letter" should be taken. In addition, the exact name, address, or other words that appear on the questioned material should be dictated to the subject and should be completed at least six (6) times.
2. Do not allow the subject to see the questioned writing or a copy thereof.
3. Do not give instructions on spelling, punctuation, arrangement, etc.
4. The exemplar should be prepared with the same type of writing instrument that was used on the questioned material, i.e., ballpoint pen, pencil, etc.
5. The exemplar should be completed in cursive writing if questioned material is in cursive; likewise, if printed, exemplar should be printed. If material is combination of both, then combination of both styles is taken.
6. The exemplar shall be witnessed by the detective and signed and dated on reverse side of exemplar.

7-30 DEPARTMENT DICTAPHONE AND TRANSCRIBING PROCEDURES:

A. General:

1. This equipment is to be used by personnel of the Investigations Division to report the findings of their follow-up investigations.
2. The voice activation mode prevents the tape from advancing when user is not speaking. This eliminates the cutting off of words spoken at the beginning or end of a report.

B. Activation of System:

1. The system is activated by touching 4828 or 283-4828 from outside the department.
2. Enter your three-digit personal ID Number.
3. Enter the seven-digit case number (yr.-case#), i.e., 02-12345.
4. Wait for confirmation message.
5. Begin dictating. The system is voice-operated. It starts and stops as you dictate.



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6. Special Features:
 - Listen
 - Resume Record.
 - Short Rewind.
 - Pause
 - Multiple Reports
 - Go to End.
 - Fast Forward.
 - Go to Beginning.
 - Disconnect.
7. When finished, press 9 to disconnect.
8. Remember to listen to voice prompts and follow the instructions.
(Revised 4-25-05)
 - a. Dial 4828 or 283-4828.
 - b. Listen for voice prompt.
 - c. Wait fifteen (15) seconds. The system will let you dictate after 15 seconds.
 - d. Begin dictating.
 - e. When finished, hang up.

7-31 **DUTIES AND RESPONSIBILITIES AT A CRIME SCENE:**

- A. General: Physical evidence of a crime found by a detective at a crime scene, or discovered during the subsequent investigation, invariably shapes the remainder of the investigation.
- B. Purpose:
 1. To provide for the protection and safeguarding of the crime scene.
 2. To ensure the proper and effective preservation of all evidence of criminal offenses.
 3. To establish responsibility for the preliminary investigation of criminal offenses.



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4. To facilitate the immediate apprehension of criminal offenders.

C. Importance of Safeguarding and Protecting Crime Scene:

1. The crime scene itself, in every type of offense, is evidence; and every effort should be made to preserve its original state.
2. Because of the variance in crime scene locations and the manner in which crimes are committed, there can be no hard-and-fast rule to follow in their protection.
3. Observance of proper precautions by personnel of this Division will do much to ensure the protection of the scene and preservation of evidence.

D. Crime Scene Protection:

1. Usually, personnel of this Division respond to crime scenes for the purpose of follow-up investigation. However, occasionally personnel assigned to Crimes Against Persons Section, working nights, may be the first to arrive on the scene.
2. In this situation the following action shall be taken first: Protect human life. This is paramount in crimes of violence. Injured persons shall be rendered first aid.
3. Summon assistance as may be required. This may include:
 - a. Request for medical aid.
 - b. Investigative assistance.
 - c. Appropriate command personnel to respond and take charge.
 - d. Additional personnel to protect crime scene.
 - e. Necessary emergency equipment.
4. Protection of the crime scene must be accomplished at the earliest possible time. The method of protection depends upon the number of personnel available and area involved. The following are some of the methods used to protect the crime scenes.
 - a. Fixed Post
 - b. Foot Patrol.
 - c. Motorized Patrol
 - d. Roping or blocking off the area.



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- e. Locking of entrances/exits, if locking will not alter or destroy anything of evidentiary value.
- 5. Other Duties at Crime Scene:
 - a. Do not remove or touch, nor allow to be moved or disturbed, any object at the crime scene until it has been processed and released by Investigations Division, Identification Section. Should a potential item of evidence have to be moved due to exigent circumstances or some other justifiable reason, do not try to place it back to its original position. Inform Identification Section personnel of the circumstances.
(Revised 4-25-05)
 - b. Be prepared to take a dying declaration (very important in solution and prosecution of some Homicide cases).
 - c. Arrest perpetrators or suspects still at the scene.
 - d. Detain all persons found at the scene. Keep witnesses and suspects separated to prevent conversation.
 - e. Do not remove persons obviously dead until approved by Crimes Against Persons Section personnel or Medical Examiner.
 - f. Question witnesses and victim, if possible, to ascertain identity and description of perpetrators and suspects. Names and addresses should be obtained if possible.
 - g. Appropriate information regarding suspects should be relayed to the Communications Center for broadcast to all elements.
 - h. Complete and file accurate notes, along with a field sketch of the scene as an aid in making report or testifying in court.
- 6. Duties of Command Personnel at Scene:
 - a. Return all personnel not needed on scene back to service.
 - b. Assume command of the investigation on the scene and immediate area until the arrival of a senior officer from the section to which the investigation would normally be assigned.
 - c. Determine if the crime scene should be protected after the original investigation and make necessary arrangements with Operations Division personnel.
- 7. Crime Scenes may be disturbed for the following reasons:
 - a. To render medical aid and/or allow a fire department paramedic to determine a death has occurred.



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- b. Removal of injured to hospital.
- c. Enable Medical Examiner to pronounce a person dead. Once a forensically secure pathway through the scene to the victim has been established and all documentation of the positioning of the deceased has been completed, Medical Examiner personnel may access the body.
- d. At direction of higher authority.
- e. If injured or dead person is removed from scene for any of above reasons, an outline of the body position should be made with chalk or other marking material.

7-32 CRIME SCENE SKETCHING:

- A. General: Crime scene sketching is one of the standard methods of recording crime scene information.
- B. Purpose:
 - 1. To refresh memory of detective.
 - 2. To record the location and relation of pieces of evidence and the surroundings.
 - 3. To provide a permanent record of conditions otherwise not easily recorded.
 - 4. To assist prosecutor, judge, and jury in understanding the condition of the crime scene.
 - 5. To serve as an aid in questioning suspects and witnesses.
 - 6. To help corroborate testimony of witnesses.
 - 7. To portray statistics graphically.
 - 8. To help eliminate unnecessary and confusing details.
- C. Sketches Supplement Photographs:
 - 1. A picture is said to be worth a thousand words.
 - 2. A description must be meaningful.



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3. We must furnish a point of reference.

D. Admissibility:

1. Must be made part of some qualified person's testimony.
 - a. Person must have competent knowledge.
 - b. Person must have had observation of the data in question.
 - c. Person must properly recollect these data.
2. Sketch or photo often provides this point.
3. True and accurate relationship between objects cannot always be shown by photograph. No scale in photographs—measurements not shown.
4. Position of camera, tilt, type of lens, and distance from objects affect photographic proportions.

E. General Rules for Making Sketches: Do not alter the position of any object before it is properly recorded, photographed, and/or measured.

F. Making the Sketch:

1. By obtaining a general initial impression and using information from witnesses, figure how much you should include and how much to leave out.
2. Determine fixed base line or fixed point.
 - a. Begin sketch from this point.
 - b. Fixed is only a relative term, but try to pick out something that will be there several years.
3. Don't put notes on same paper as sketch.
4. Measurement:
 - a. All measurements should be made accurately:
 - b. Must not be mixed measurements.
 - (1) Use feet and inches.
 - (2) The exception is when a car is used to measure greater distances.
 - c. Critical Measurements: Position of body, weapon, etc.



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- d. Confirming Measurements.
 - (1) Detective reading tape should make the notes.
 - (2) Both detectives look at both ends of tape.
- e. Scale is the relative proportion between a representative line and what it represents, example, 1" = 1'0", or 1" = 10'
- f. Locating points on a sketch:
 - (1) Rectangular coordinates are useful indoors where walls are at right angles.
 - (2) Triangulation:
 - (a) Take a measurement from two fixed points and set up a triangle.
 - (b) More useful than rectangular coordinates; can be used on curves. Letter your points and set down measurements.
- g. Dimension lines:
 - (1) Keep as free as possible.
 - (2) Make dimension lines faint and with arrow heads.
 - (3) Make all printing so it can be read from the bottom.
 - (4) Make horizontal read from bottom.
 - (5) Make vertical read from right.
- h. Make a title block on your sketch showing the following:
 - (1) A brief descriptive statement.
 - (2) The address or location.
 - (3) Type of case.
 - (4) Date sketch was drawn.
 - (5) By whom drawn.
 - (6) Indicate scale of drawing.
 - (7) Use arrow to show North.

7-33 **SCALE DIAGRAMMING:**

- A. General: Scale diagramming is the recording of crime scene information using measurement to depict accurate relationships between objects.



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B. Purpose:

1. Supplements written or verbal recollection of detail.
2. Eliminates unnecessary detail.
3. Assists prosecutor, judge, and jury in understanding condition of scene.
4. Corroborates witness testimony.
5. Graphically portrays statistics.

C. Responsibility:

1. The majority of scale diagrams will be rendered by Identification Section personnel. However, depending on the investigation, others may be assigned the task.

D. Admissibility: Must be part of some qualified person's testimony.

1. Person must have competent knowledge.
2. Person must have had observation of the data.
3. Person must properly recollect these data.

E. Reference Points:

1. Determine fixed baseline or fixed point.
2. Rectangular coordinates are useful indoors where walls are at right angles.
3. Triangulation:
 - a. Take measurement from two fixed points and set up a triangle to the object needing to be recorded in the diagram.
 - b. Useful outside should curves be encountered.

F. Measurement:

1. Measurements should be taken as accurate as possible.
2. Tape measures and mechanical roller tape are recommended.



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3. Pacing is considered a last resort.
4. One must not use mixed measurements.
 - a. Use feet, inches, and increments of inches as standard.
 - b. An exception is when a vehicle is used to measure greater distance.
5. Critical measurements, such as the position of a body or weapon, should be corroborated by two detectives.
6. The detective reading the tape should make the notes.
7. Scale: When transposing field measurements to a diagram, one needs to develop an appropriate scale in order to size the diagram. Scale is the relative proportion between a representative line and what it represents, ie: 1" = 1' or 1" = 10'.
8. Should a specific area within a diagram require attention, it may need to be enlarged on a separate drawing.

G. Labeling:

1. All printing should be in block lettering.
2. Direction "North" should be identified at top of the drawing.
3. All printing should be able to be read from the bottom.
4. Dimension lines should not be on the completed diagram.
5. Label all doors and windows.

H. The diagram must have a key in the margin identifying to an observer what each symbol or number represents.

I. Title Block:

1. This identifier forms the observer what the overall diagram represents.
2. It should include:
 - a. Case number.
 - b. Nature of investigation.



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- c. Location.
- d. Date of incident.
- e. Date of drawing.
- f. What scale was used.
- g. Drawn by whom.

7-34 **HANDLING EVIDENCE:**

- A. General: The action taken by a detective at a crime scene can contribute materially to the apprehension and prosecution of the person committing the crime. The detective is responsible to determine where possible evidence might be found and to prevent destruction of the same.
- B. Physical Evidence: Anything which might lead to the identification of the perpetrator of the crime or to the manner in which the crime was committed is physical evidence. The circumstances of the case determine just what is included as evidence. The following are but a few examples.
 - 1. Fingerprints, footwear prints, tire marks. (Revised 4-25-05)
 - 2. Tools, traces of tools.
 - 3. Weapons, cartridges and bullets.
 - 4. Personal property, clothing.
 - 5. Narcotics, controlled substances, paraphernalia.
 - 6. Blood, hair, seminal stains.
 - 7. Tooth marks.
 - 8. Handwriting.
- C. Any object or substance is valuable as physical evidence under the following conditions:
 - 1. Matter otherwise common and widespread that has some individual characteristic feature, such as heel print with accidental notches, grooves, or unique wear.



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2. Matter otherwise uncommon or sparsely distributed, such as rare pollen or a certain type of soil peculiar to the scene of the crime, found on the clothing of a suspect away from the crime scene.
 3. Matter, even though common, found in unexpected places, such as a crowbar or sledgehammer found in a bank after a burglary.
 4. A number of individual observations, although singularly of low evidential value, all pointing to the same conclusion, such as cigarette butts, hair specimens, clothing threads.
- D. Latent Traces: The Identification Section shall be notified where there is a possibility that latent or microscopic trace evidence may exist at a scene.
- E. Continuity of Evidence: To avoid a lengthy chain of custody, the following guidelines shall be followed in the handling of evidence that is to be processed further.
1. When Identification Section is at scene of the crime, that evidence shall be their responsibility to bring to station and process.
 2. When Division personnel are at the crime scene and identify property which is possibly of evidentiary value, they will notify the Identification Section who will take custody of said property.
 3. Should detectives seize any evidence into their custody which may have processing value, they shall complete the Property Report form. If turned over to Identification Section personnel at a later date, the latter will sign out for the property on the reverse side of the property sheet and maintain control over the evidence from thereon.
- F. Marking of Physical Evidence:
1. All physical evidence which does not possess identifying numbers must be marked in such a way that it can be positively identified at a later date.
 2. Physical evidence having identifying numbers shall, in addition, have a label attached with the following information:
 - a. Signature of officer.
 - b. Where found.
 - c. Date and time found.
 - d. Case Number.



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7-35 PROPERTY HANDLING PROCEDURES:

- A. Reference: DMPD General Order 04-1 and Field Reporting Guide.
- B. Purpose: The Property Report Form 74-105-3 is to be used by Division personnel to record property coming into the possession of the department as evidence: recovered property, found items, confiscated property or contraband, and prisoner's effects impounded by police. This report is to be used in addition to offense or criminal reports under the above circumstances when applicable and shall be cross-referenced on initial report. In cases where property comes into possession of the department without criminal circumstances (i.e., safekeeping, found property, etc.), this report will suffice without the use of another report.
- C. Any items seized by the Identification Section as evidence will be retained by the Section for a period of thirty (30) days. At the end of this period, it will be entered into Property Management storage unless there is a request to process such evidence from a detective.
- D. Each item in the Property Report Form 74-105-3 is numbered and explained according to the number in the Field Reporting Guide.
- E. Special Instructions:
 - 1. Money: Count money with others. Whenever possible, count confiscated, found, etc., money that comes into your possession when others are present. Record the names of those assisting in the counting of the money. Seal the package or envelope when you finish.
 - 2. Description of Articles: List articles by serial and/or model numbers. Always be as specific as possible about your article. A gun has a make, caliber, serial number, type, and color metal, etc. Clothing has a size, type of material, color, etc. Jewelry should be listed as white or yellow in "color" since we are unable to determine if the item is genuine.
 - 3. Claiming Ownership: Division personnel cannot claim ownership of articles. Officers cannot claim ownership by any means, be it a gift, purchase, or otherwise.
 - 4. Inquiries: Inquiries regarding property being held are directed to section commander charged with the investigation that property is related to.
 - 5. Obtaining property from Fiscal and Property Management Section:



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- a. For evidence: Any time property is taken from the Property Room for submission as evidence in court or Grand Jury, the detective shall sign the reverse side of Property Report Form 74-105-3, indicating his/her possession of the property.
 - b. Evidence held by Court or Grand Jury: In the event such property is held by the Court or Grand Jury, the detective shall prepare a property release form signed by the prosecutor and return this to the Fiscal and Property Management Section for their records.
6. Release of Property:
 - a. When a Property Report (74-105-3) has items listed which would be of interest to more than one Division or separate section, (i.e., Narcotics Section and Investigations Division), all concerned Divisions or separate sections shall be provided with a photocopy of the Property Report (74-105-3). The Records Unit will accomplish this as directed by their Standard Operating Procedures.
 - b. The Division or separate section in possession of the GREEN copy of the Property Report (74-105-3), shall be responsible for the coordination of the disposal and/or release of the property itemized on the Property Report. The other concerned Divisions or separate sections shall be notified prior to the disposal or release of the property.
 - c. No Division or separate section shall approve the disposal or release of property itemized on the Property Report (74-105-3) without prior consultation with and receipt of a written supplemental report from the other concerned or interested Division or separate section.
 - d. Authorization for release of property is made on DMPD Form 74-205-3. Section Commander or Supervisor shall approve the release of such property with their signature in Block 10 of form after determining that the property is no longer required as evidence, etc.
7. Disposition of Seized Property:
 - a. Seized property which is no longer required as evidence or for use in an investigation may be returned to the owner without the requirement of a hearing. This can occur provided that possession of the property is not prohibited by law and there is no forfeiture claim filed on behalf of the state.



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- b. The owner of the property may be informed of the intent to return the property by the Division or separate section in possession of the GREEN copy of the Property Report (74-105-3). This notice shall be sent by regular mail to the last known address of any person having an ownership or possession right in the property. The notice must indicate that the property is to be released and must be claimed within thirty (30) days. In addition, such notice shall state that if no written claim is made upon the Des Moines Police Department within thirty (30) days from the date the notice was mailed, the property shall be considered abandoned and disposed of accordingly. Prior to disposal of such property, which is valued at fifty (\$50) dollars or more, an identical letter shall be made by certified mail.
 - c. In the event that there is more than one party who may assert the right to possession or ownership of the property, the police department shall not release the property to any party until the expiration date for claims unless all other claimants execute a written waiver of their claim. In the event that there is more than one claim for the return of the property at the expiration of the period for filing claims, all claims filed with the police department shall be filed with the Polk County Clerk of Court by the Division or separate section receiving the claims, and the Clerk of Court shall proceed as if the claims were filed under Chapter 809.3., State Code of Iowa.
 - d. Upon filing of a claim and following a hearing by the court, property which has been seized shall be returned to the person who has demonstrated a right to possession unless one of the following is true:
 - (1) The possession of the property by the claimant is prohibited by law.
 - (2) There is a forfeiture notice on file which has not been resolved in favor of the claimant.
 - (3) The state has demonstrated that the property is needed as evidence in a criminal investigation or prosecution.
- 8. Disposal of Found Property:
 - a. In the event that no owner can be located, the found property shall be deemed abandoned and the police department shall become the owner.
 - b. The Property Management Section shall dispose of the property in a reasonable manner and in accordance with the Property Management Section Standard Operating Procedures.



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- c. In the event that the owner of the found property can be and is located and the property is not seizable or forfeitable property, the property may be released to the owner.
- 9. The following procedures are to be used for the distribution of the GREEN copy of the Property Report (74-105-3):
 - a. When the Property Report is received by the Records Unit, the GREEN copy of the report shall be distributed to the Division or separate section responsible for the investigation of the case.
 - b. Whenever property is seized as EVIDENCE by Operations Division Officers in SIMPLE MISDEAMEANOR cases and OWI cases and when follow-up investigation will not be conducted by another Division or separate section, the GREEN copy of the Property Report shall be assigned to the Operations Division for disposal of the evidence.
 - c. The GREEN copy of all property reports pertaining to license plates, except stolen plates, shall be forwarded to the Operations Division.
 - d. The GREEN copy of all property reports listing any beer, liquor, or drugs shall be forwarded to the Vice/Narcotics Section for disposal of the property, EXCEPT in the cases involving beer and/or liquor for which the Operations Division is responsible.
 - e. The GREEN copy of all property reports relating to firearms or dangerous weapons (as defined in 702.7, State Code of Iowa) shall be directed to the Investigations Division for disposal of the property.
 - f. The GREEN copy of property reports initiated by the Vehicle Impound Coordinator pertaining to property seized from vehicles scheduled for action shall be forwarded to the Property Management Supervisor for disposal.
 - g. The GREEN copy of all property reports containing explosive devices shall be forwarded to the Operations Division for disposal by the Bomb Squad. (Revised 4-25-05)
 - h. A photocopy of the CIR shall be attached to the GREEN copy of all Property Reports. Additional photocopies of the Property Report which are to be distributed to another Division or separate section shall also have a photocopy of the CIR attached for informational purposes.
- 10. Property Management Report:



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- a. Upon receipt of the GREEN copy of DMPD 74-105-3, Section Commander will file this in daily suspense file with other reports of investigation concerning the case. Upon case investigative status being closed or suspended, the GREEN copy shall be transferred to a monthly suspense file and filed in a month which is three (3) months in advance of the month the case investigative status was closed or suspended. At the end of the three month period, should it still be necessary to hold the property, the copy shall be advanced one additional month and reviewed at the end of that month and every month thereafter until final disposition is made of the property.
- b. Once it has been determined that the property is no longer needed for prosecution or owner has not been located, the GREEN copy is returned to the detective assigned the follow-up who shall prepare a Disposal Supplemental Report (70-105-3, Rev. 12-88).

7-36 UNITED STATES POSTAL SERVICE:

- A. The United States Postal Inspection Service can provide investigators of this Division with information that may assist their investigations.
 1. Mail Covers:
 - a. A mail cover consists of recording data that appears on the outside of any class of mail.
 - b. Information such as name and address of sender, the place and dates of postmarking, and class of mail.
 - c. This information may be used to locate fugitives or to obtain evidence of the commission of a crime – Felonies Only.
 2. Post Office Box Information: Division personnel may request post office box information from Postal Inspection Service (Annex Z, Section VII).
 3. Change of Address Information: Change of Address Information may be obtained from Postal Inspection Service (Annex Z, Section VII).
- B. Contacting Postal Inspector:

U.S. Postal Inspection Service
P.O. Box 566
Des Moines, IA 50302-0566
283-7676 (24 hours a day)
- C. Request for Mail Covers from Postal Service:



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1. All requests for mail covers must be submitted in writing on departmental letterhead (Annex Z, Section VII).
2. Requests must stipulate and specify the reasonable grounds that demonstrate the mail cover is necessary either to locate a fugitive, or to obtain information regarding the commission or attempted commission of a felony. Requests must also state the applicable statute involved and possible penalty.

7-37 INVESTIGATION OF SUSPICIOUS DEVICES:

- A. General: Personnel of this Division, when requested by the commanding officer of the Operations Division and Homeland Security Section, shall provide additional support in searching for suspicious devices. (Revised 3-22-06)
- B. Personnel of this Division shall assist Operations Division personnel in all possible ways.

7-38 PERSONAL INFORMATION – CITY EMPLOYEES:

- A. General: Under the Privacy Act, personnel information (i.e., address, phone numbers, etc.) relative to city employees is not released by the City Human Resources Department without a written release from the employee concerned.
- B. Purpose: In order to facilitate release of this information to Division personnel engaged in criminal investigation only, the following procedures shall be followed:
 1. Requests for personal information on city employees shall be directed to the City Human Resources Department, 237-1331.
 2. These requests must be made by a first-line supervisor or higher, and information requested must be for law enforcement purposes only.
 3. To verify that the needed information has been requested by police personnel, the information will be forwarded to the requesting personnel by return phone call.
- C. Confirmation of employment requests will also be directed to the City Human Resources Department, 237-1331.



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7-39 PHOTO-SPREAD LINEUP PROCEDURES:

- A. Purpose: To provide Division personnel with guidelines and instructions for presenting a photo-spread lineup.
- B. Before showing the photo-spread lineup, the following statement or a statement of similar wording shall be read to witness:

“In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. Keep in mind that hairstyles, beards, and mustaches may easily be changed. Also, photographs may not always depict the true complexion of a person, it may be lighter or darker than shown in the photo. Pay no attention to any other markings or numbers that may appear on the photos or any other differences in the type or style of the photographs. When you have looked at all the photos, tell me whether or not you see the person who committed the crime. Do not tell other witnesses that you have or have not identified anyone.
- C. The following guidelines should be adhered to when presenting a photo-spread lineup.
 - 1. Use a minimum of six (6) photographs, only one of which shall be the suspect. All photographs should depict similar looking suspects; i.e., size, hair, race, age, etc.
 - 2. If practical, the photos shall be unmarked. Any visible notations, (dates, names, and other information) should not be visible to the witness. If block-out is necessary to cover a notation on one photograph, then similar block-out or covering marks must be placed on all photos in order that all will appear alike. It is impermissible and considered suggestive for one photograph to have markings that are not on the other photos.
 - 3. If there are two or more suspects, no two shall be presented together in a single photo-spread.
 - 4. If there are two or more witnesses, each witness should view the photo-spread lineup separately and individually. Do not allow witnesses to talk to one another during the photo-spread procedure. Witnesses must not be permitted to consult with one another regarding their identification, whether before or after this procedure.
 - 5. If there are two or more witnesses, office machine copies should be made for each witness. At the time any witness goes through the identification process, each should be shown the photo-spread containing



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the original photos. Concurrently, each witness should be shown a machine copy of the photo-spread, to be initialed and dated indicating it is a copy of the original as was shown. Any identification effected and/or comments made by each witness should be noted on the office machine copy; in any case, each witness should initial and date a copy of the photo-spread for the case file. The original photo-spread and copies shall be maintained in the case file for possible later use in court. The purpose of this method is to preserve the original photo-spread for viewing by multiple witnesses without tainting opinions by the presence of initials, dates, or other markings on or around suspect pictures.

7-40 **SEARCH WARRANTS:**

- A. Purpose: The purpose of this section is to provide the detective with guidance and instruction in the preparation and execution of search warrants and post search procedures in securing the property searched.
- B. General: It is not always necessary to have a warrant to search a person, place or thing. However, the law of search and seizure is forever changing. Therefore, it is advisable to obtain a search warrant before a search is made:
 - 1. Where the need to take immediate action is not present.
 - 2. When the need to make a search is foreseen.
- C. Search Warrant Defined: Chapter 808.1-808.4, State Code of Iowa: A search warrant is a written order, in the name of the state, signed by a magistrate and directed to a peace officer to search a person, place, or thing with in the state for property specified.
- D. Seizable Property, Chapter 808.2: A search warrant may be issued for.....
 - 1. Property which has been obtained in violation of the law (fruits of the crime).
 - 2. Property for which possession is unlawful (contraband, drugs, etc).
 - 3. Property used or possessed with the intent to be used as a means of committing a public offense, or concealed to prevent an offense from being discovered (instrumentalities).
 - 4. For any other property relevant and material as evidence in a criminal prosecution (mere evidence).



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E. Search Without a Warrant:

1. **Stop and Frisk:** A peace officer who reasonably suspects that a person may be armed and/or is about to commit a public offense, may stop that person and “pat down” that person for a weapon.
2. **Search Incident to Arrest:** When a person has been lawfully arrested, the arresting officer may conduct a thorough search of that person.
3. **Motor Vehicle Searches:** Officers may conduct warrantless searches under the following conditions:
 - a. Impounded motor vehicles where the officer impounds the vehicle and an inventory search is conducted for the purpose of recording property of value and taking custody of same for safekeeping.
 - b. Under exigent circumstances where if allowed to continue, the property may be disposed of or destroyed.
 - c. Key points to remember in a warrantless search of a vehicle are:
 - (1) The initial stop was legitimate.
 - (2) Officer must have probable cause to believe that contraband is concealed within the vehicle. Such probable cause must be based on objective facts that would justify issuance of a warrant.
 - (3) Because of circumstances, it is not practical to obtain a search warrant for fear of removal of the vehicle and the destruction of the evidence.
 - (4) **Plain View Doctrine:** If an officer is at a place where he/she has the legal right to be and observes seizable property in plain view, officer may seize that property.
 - (5) **Consent Search:** If one consents to the search of one’s person, vehicle, home, etc., a search may be lawfully made. The officer must be able to show that the consent was given willingly by one who has the legal right and who understands what he/she is consenting to. Detective shall have consenting party sign “Consent Authorizing Search” Form #72-196-4 (Annex A, Page A-12).

F. Application for Search Warrant, Chapter 808.3:

1. Submitted before a magistrate, a written application supported by the person’s oath or affirmation.



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- a. Includes facts, information, and circumstances tending to establish sufficient grounds for granting the application.
 - b. Probable Cause for believing that the grounds exist.
 - c. The application shall describe the person, place, or thing to be searched.
 - d. Describe property to be seized with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place, or thing being searched for.
- G. Issuance, Chapter 808.4, State Code of Iowa: Upon finding of Probable Cause for grounds to issue a search warrant, a warrant signed by the magistrate, with the magistrates name of office, directed to any peace officer, commanding that peace officer forthwith to search the named person, place, or thing within the state for the property specified, will be issued.
- H. Execution, Chapter 808.5-808.8, State Code of Iowa:
 - 1. To ensure a successful execution of a search warrant, Division personnel should prepare a detailed operation plan attempting to provide for every contingency.
 - 2. A number of determinations must be made prior to the execution of a search warrant.
 - a. Number of personnel needed to:
 - (1) gain entrance.
 - (2) cover entrances/exits to prevent escape.
 - (3) secure building.
 - (4) conduct search, process property.
 - (5) identify/photograph occupants.
 - (6) remove seized property.
 - b. Did investigation reveal possibility of weapons/dogs at search scene?
 - c. Will there be a special need at search scene to:
 - (1) remove large quantities of property?
 - (2) remove heavy items?
 - (3) process a large number of occupants?
 - (4) search females?



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- d. What equipment will be needed at search scene?
 - (1) Entry device.
 - (2) Vests.
 - (3) Lights.
 - (4) Cameras.
 - (5) Evidence bags and inventory pads. (Revised 4-25-05)
 - e. Duties of individual personnel must be designated.
 - (1) Entry Team.
 - (2) Perimeter Security.
 - (3) Evidence Custodian.
 - (4) Photographer.
 - (5) Search Team.
 - (6) Inside security.
 - (7) Exit team to secure search scene.
- 3. Search Warrant Constraints:
 - a. Search Warrant may be executed by any peace officer.
 - b. The Search Warrant may be executed in daytime or at night.
 - c. A Search Warrant shall be executed within ten (10) days from its date; failure to execute within that period shall void the warrant.
- 4. Student Searches: The laws of search and seizure as they relate to school students are governed by the same statutory law requirements as an adult.
- 5. Execution of Search Warrant on Licensed Beer/Liquor Establishments: Whenever personnel of this Division execute a search warrant on a licensed beer/liquor establishment, a copy of the search warrant return shall be forwarded to the Commander of the Vice/Narcotics Control Section. The detective shall include in his/her supplemental report a reference to the distribution of the search warrant return.
- I. Detention and Search of Persons on Premises: Chapter 808.7, State Code of Iowa:
 - 1. To protect the searcher from attack.



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2. To prevent the disposal or concealment of any property subject to seizure described in the warrant.
 3. To remove any item which is capable of causing bodily harm that the person may use to resist arrest or effect an escape.
- J. Forcible Execution: Chapter 808.6, State Code of Iowa:
1. The officer may break into any structure or vehicle where reasonably necessary to execute the warrant if, after notice of this authority and purpose, the officer's admittance has not been immediately authorized. The officer may use reasonable force to enter a structure or vehicle to execute a search warrant without notice of the officer's authority and purpose in the case of vacated or abandoned structures or vehicles.
 2. If forcible entry was necessary to gain entrance in order to execute a search warrant, and upon completion of that search there is no responsible person present in which to give custody, personnel of this Division shall exercise reasonable care in securing the premises to be relatively secure from unlawful entry or the elements.
- K. Return of the Search Warrant: With the officers return, the officer must file a complete inventory of the property seized with the issuing magistrate and state under oath that it is accurate to the best of the officer's knowledge. The return of search warrant shall be filed with the issuing magistrate no later than the next business day. (Revised 4-25-05)
- L. Sealed Search Warrant Return: Return may be sealed from public disclosure through request to the County Attorney's office.

7-41 USE OF INFORMANTS:

- A. Reference: Departmental General Order 04-1.
- B. Purpose: To provide instructions and guidance to Division personnel regarding the development and use of confidential informants.
- C. General: An informant is an individual whom under the direct supervision of a detective, furnishes information regarding criminal activity.
 1. Information from sources not readily available to the detective.
 2. Make observations or perform assignments in localities where strangers would be immediately suspected.



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3. Conduct undercover negotiations with criminal suspects.
4. To testify in legal proceeding: District Court and/or Grand Jury.
- D. Developing Informants: When developing confidential informants, the detective must:
 1. Create an atmosphere to gain informant's confidence.
 2. Be able to communicate clearly and effectively.
 3. Identify motivating factors.
 4. Consider and evaluate the motives and interests of the informant.
 5. Be truthful, make no promises you do not intend to keep.
 6. Verify all information.
- E. Motivation of Informants: When developing an informant, the detective must determine why the informant wants to work as an informant.
 1. Fear of his/her associates and/or legal punishment.
 2. Revenge:
 - a. Discriminated treatment by associates.
 - b. Jealousy and quarrel over members of opposite sex, money, drugs, etc.
 3. To create advantage for himself/herself:
 - a. Elimination of competition.
 - b. Diverting suspicion from himself/herself.
 4. Egotistical: Receives satisfaction from enlisting the attention of the detective.
 5. Mercenary: Only wants the money.
 6. Repentance: Applies to the individual who wants to sever ties with associates, and then turns in the associates.
- F. Problems With Informant Utilization:



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1. False or misleading information.
2. Intentional entrapment.
3. Compromising the undercover officer(s).
4. Involvement in other illegal activities.

G. Restrictions:

1. Detectives shall not request a parolee or probationer to become an informant or agent without prior approval of the chief of police, the parole or probation officer, and in the case of probation, the approval of the sentencing court.
2. The detective shall describe what the individual's activities shall involve. In the case of probationer, he/she shall not be used as an informant without prior approval of the sentencing judge; and with a parolee, the parole officer. It should be remembered that the use of parolees or probationers as informants can only be justified by the most compelling circumstances.
3. Detectives shall refrain from making any promises, threats, or inducements to any parolee or probationer for the purpose of actively involving that individual in any active intelligence gathering activity.
4. Federal parolees may not be used as informants without a waiver from the Federal Parolee Commission.
5. Federal probationers may not be used as informants without a waiver from the federal probation officer and federal court.

H. Use of Juveniles as Informants:

1. No minors shall be utilized as informants unless the following restrictions are adhered to:
 - a. The juvenile will not be on parole or probation or have pending juvenile court action.
 - b. A Parental Consent Form shall be completed and signed by the parents.

I. Adult Informants: When developing an individual to work as a confidential informant, the following forms shall be completed and kept in a secure and permanent file.



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1. Confidential Informant Personal History Report.
 2. Informant Advisement Form : Must be signed by informant and witnessed by a supervisor. (Revised 4-25-05)
 3. Activity/Information report:
 - a. Lists date/time and information received from informant.
 - b. Important, since it establishes reliability of informant.
 4. Confidential Informant Payment Log:
 - a. Gives itemized list of cash payments to particular informant.
 - b. May be used to assess value of information obtained.
- J. Expenditure of Undercover Funds:
1. The Commander of the Crimes Against Property Section or his/her designee will maintain a fund and authorize all advances up to five hundred dollars (\$500) for the purchase of evidence or information or expenses incurred by a confidential informant or detective working undercover.
 2. The Commander of the Intelligence Section or his/her designee will maintain a fund and authorize all advances up to (\$1000) for the purchase of evidence or information or expenses incurred by a confidential informant or detective working undercover.
 3. The Division Commander or his/her designee may authorize advances up to one thousand dollars (\$1000) for the purposes outlined above.
- K. Receipt of Cash:
1. DMPD Form CI-130, Rev. 3/94, (Annex B, Page B-6) authorizes removal of funds from their place of control. This form shall be completed in duplicate and in consecutive order. If it becomes necessary to void a form, the reason shall be written on the face of the form and endorsed by a supervisory officer. These forms shall never be destroyed as they are permanent records.
 2. Receipt for cash, DMPD Form #79-304, shall be prepared when money is removed from the place of control for the purpose of purchasing information, covering expenses incurred by a detective working in an undercover capacity, for purchasing evidence for prosecution, or probable cause to obtain a search warrant.



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- a. Confidential informants can be paid for intelligence information on stolen goods and for expenses incurred obtaining this information. Expenses for salaried informants shall first be approved by the section commander authorizing use of the confidential funds. This is done prior to utilizing the informant.
- b. Expenses incurred by a detective acting in an undercover capacity shall be limited to the purchase of items which pertain to the assignment. Should circumstances arise in which exceptions seem in order, they will be decided by the authorizing section commander on an individual basis.
- c. Detectives working in an undercover capacity may use these funds for the purchasing of evidence for prosecution or to obtain probable cause for a search warrant.
 - (1) The detective completes the "Receipt for Cash Form" by first checking the appropriate box in the upper right hand corner, then completing the portion of the form designated as "Advance of Funds".
 - (2) The exact amount received, date, time, received by, and Identification number shall be noted upon removal of funds. The removal shall be witnessed.
(Revised 4-25-05)
 - (3) The original can now be removed from the office. The carbon copy shall remain in the place of control so all funds are accountable.
 - (4) When funds are expended, the portion of the form designated "Funds Expended" shall be completed, noting; location, date, amount, purpose of expenditure, case number, if applicable, and witnessed.
 - (5) When funds are expended for the purpose of paying a confidential informant, the portion designated "C.I. Expense" shall be completed, noting; date, amount expended, signature of informant and C.I. number assigned.
 - (6) Funds not used during the transaction shall be noted on the portion of the for designated "Cash Returned," listing amount returned, returned by, Identification number and date. The total should equal the amount received in the portion designated "Advance of Funds". Cash returned shall be witnessed.

(Revised 4-25-05)



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- (7) Upon completion and approval, the "Cash Receipt" form shall be placed with the Cash Expenditure Log in its place of control, to be entered only by the section commander or his/her designee. (Revised 4-25-05)
- (8) The duplicate copy shall be retained with the records of the officer expending such funds, except when funds expended for C.I. use, then the copy is to be retained in the C.I. file. The duplicate copy shall be made available upon request to the Division Commander, Section Commander, Commander of the Office of Professional Standards, City Auditor, or Research and Development Section.

7-42 TOWING OF VEHICLES:

- A. When keys to impounded vehicles are available:
 1. Search for valuables to be completed at scene of impoundment.
 2. If it is unsafe to inventory contents at the scene, search will be completed immediately upon arrival at storage area.
 3. Trunk will be inspected for valuables and relocked upon completion of the inspection.
 4. Glove box will be inspected for valuables and relocked upon completion of the inspection.
 5. Vehicle interior, to include under visors, seats, and engine compartment will be searched.
 6. Keys will be left with vehicle.
- B. When keys are not available:
 1. Locked trunks and glove box will not be forced open for inventory search. Notation will be made on Vehicle Impound/Recovery Report, DMPD Form 70-129-3 (Rev. 6/90).

7-43 PURSUIT DRIVING:

- A. Reference: Departmental General Order 04-1, Departmental Personnel Rules.



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- B. Only plainly marked police vehicles shall be used for vehicle pursuits. If the initial pursuit must be undertaken by an unmarked element, such vehicle shall immediately abandon the pursuit when a marked police vehicle has intercepted and undertaken to continue pursuit.
- C. Only plainly marked police vehicles will utilize PIT (Pursuit Intervention Technique) maneuvers.

7-44 FELONY IN PROGRESS PROCEDURE:

- A. General: The ultimate success in the correct handling and apprehension of the criminal in a felony-in-progress call depends largely upon the actions of personnel responding to the call.
- B. Purpose: The purpose of this paragraph is to establish a procedure to be used by personnel in responding to all felony-in-progress calls.
- C. Responsive and Responsible Driving:
 - 1. Each individual assigned to cover a felony-in-progress is responsible to arrive safely and quickly to the assigned location.
 - 2. Personnel shall proceed to the scene in a manner which will not create accident hazards for other individuals or other users of the street.
- D. Approach and Arrival:
 - 1. The approach to the scene shall be made in such a manner as to avoid coming into sight of the premises until the last possible moment. Use shall be made of parallel streets, with turn onto street of the scene coming at the last moment.
 - 2. The element of surprise is the one advantage the officer will have.
 - 3. If it is necessary to stop an individual while approaching the scene, immediately notify the Communication Center.
 - 4. Individual should stop short of the scene to avoid showing presence before it is necessary.
 - 5. Vehicle shall be parked as safely as possible under circumstances. Do not slam vehicle door getting out.



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6. If hours of darkness, turn out lights several addresses away before reaching scene.
7. Remove key from ignition.
8. On way to scene, observe all persons and vehicles that may be in immediate vicinity and, if possible, record all license numbers of vehicles.

E. Duties At The Scene:

1. Cover the most likely avenue of escape and apprehend the suspect.
2. Determine if victim requires immediate medical attention, even at the expense of allowing the suspect to make good his/her escape.
3. Contact Communications Center and relay the following information:
 - a. Description of suspect.
 - b. Description of vehicle.
 - c. Details of the crime, to include suspect's "M.O."
4. Enter with gun drawn if reason to believe suspect is life threatening.
5. Conduct an investigation and obtain further information as it pertains to investigation.
6. Call for assistance from Identification Section if required.

F. Area Searches:

1. Area search shall be made by elements not sent to the scene.
2. Special attention shall be given to:
 - a. Persons and vehicles moving away from scene. Person will walk approximately one block per minute if escape is on foot.
 - b. Filling station restrooms, convenience stores, stores, supermarkets, taverns, and any place a suspect can blend in with a crowd.
 - c. Alleys, vacant houses, as well as streets.
3. Double back and circle in the search area—don't give up too soon.



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7-45 YOUTH RELATED CRIMES– INVESTIGATIVE PROCEDURES:

- A. General: The ultimate success in the handling of the juvenile offender depends largely upon the actions and methods used by the assigned detective.
- B. Purpose: The purpose of this section is to provide guidance and instruction to Division personnel in the follow-up investigation of youth related offenses.
- C. Investigative Techniques:
 - 1. Investigation:
 - a. The procedures and techniques applied in the investigations involving youth offenders are generally the same as adult related offenses.
 - b. The investigation must be as carefully and thoroughly prepared as an adult criminal case. The degree of proof required is no less for juveniles than for adults.
 - c. The investigation will concentrate on evidence and legal requirements.
 - d. Every care shall be taken to ensure the rights of the juvenile. The guaranteed rights of the juvenile are identical with those of an adult.
 - e. The parent, guardian, or person in control of the juvenile shall be notified of all the facts pertaining to the unlawful behavior of the juvenile and their cooperative involvement in the investigation shall be solicited.
 - 2. Interviews: (Refer to 7-24 and 7-25)
 - a. Personnel shall make the decision, based on the totality of the circumstances of each specific case, whether to have parents or guardians present during the interview or interrogation. However, parental consent must be obtained.
 - b. A "Juvenile Waiver and Parental Consent" (DMPD form 79-301, Rev. May 84, Annex) shall be read to the juvenile and completed by the assigned detective. This form must be signed by parent, guardian, or custodian and juvenile before interrogation. If the detective is investigating several cases in which the juvenile is suspected, each case must have separate waiver forms, each completed and signed by both parent and juvenile. Individual case numbers should be placed in the upper right hand corner of each individual waiver. If either child or parent refuses to sign the "rights waiver" form, the interview/interrogation shall cease



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immediately. As with adult cases, should either the child or parent decline to continue the interview/interrogation, it shall stop immediately.

- c. A child at least 16 years or older may waive his /her right to counsel under certain circumstances. Such a waiver by child at least 16 years of age or older is valid only if a good faith effort has been made to notify the child's parents, guardian, or custodian that the child has been taken into custody, the location of the child, and the right of the parent, guardian, or custodian to visit and confer with the child. (Refer to Chapter 232.11, State Code of Iowa for required criteria).

3. Disposition of Youth Offenders:

- a. Personnel conducting follow-up investigations on those youths arrested shall use one of the below dispositional alternatives:
 - (1) Release to parent or guardian, accompanied by an official warning.
 - (a) Concurred by Section Commander.
 - (b) Disposition entered on Juvenile record maintained by the Juvenile Resource Officer.
 - (2) Referral to Polk County Juvenile Court on a delayed referral basis.
 - (a) Concurred by Section Commander.
 - (b) Disposition recorded on Juvenile record maintained by the Juvenile Resource Officer.
 - (c) Written entry made in Juvenile Court referral book located in JRO Office, DB.
 - (d) Copies of CIR and all supplemental reports and Juvenile Record are forwarded to Polk County Juvenile Court immediately.
 - (3) Referral to Juvenile Centralized Intake (JCI)
 - (a) If a parent or legal guardian cannot be located, the juvenile can be taken to JCI and the personnel there will take over the care and custody of the juvenile until proper arrangements can be made.
 - (b) JCI personnel should be notified in advance that a juvenile is being transported.
 - (c) A copy of the Case Investigation Report (CIR) and a juvenile probable cause statement must be provided



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at JCI at the time the juvenile is remanded to their custody.

- (4) Referral to Polk County Juvenile Court with detention (Direct Referral)
 - (a) By authority of Juvenile Court Officers only.
 - (b) Juvenile may be sent to Juvenile Court or other juvenile facility as authorized by Juvenile Court.
 - (c) If Division personnel are not available, the juvenile will be transported by two-officer patrol element.
 - (d) Written entry made into juvenile Court referral book located in Youth Services Coordinators office, DB.
 - (e) Disposition recorded on Juvenile Record maintained in the JRO office, DB.
 - (f) Because of time restraints, copies of CIR and all supplemental reports and Juvenile Record must be forwarded to Polk County Juvenile Court within 24 hours for administrative hearing.

b. Division personnel shall use the below criteria in determining disposition based on their judgment and experience, factors surrounding both the nature of the offense and the youth him/herself.

- (1) The age of the youth.
- (2) The nature and severity of the offense.
- (3) Prior contact with this Department.
- (4) Attitude toward accepting and cooperating with efforts to help rehabilitate him/herself.
- (5) The youth's need for professional assistance as determined by his/her physical and mental characteristics.
- (6) The ability of the youth's parents or guardian to acknowledge their awareness of the seriousness of their child's involvement with this Department and to control and discipline their child.
- (7) The possibility of recidivism on the part of the youth.
- (8) The offense itself is not intrinsically serious, but the total circumstances surrounding the commission of the act seem to indicate the youth needs some type of protective actions.



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- (9) The youth has a record of delinquencies committed over a period of time, even though the youth may not have been referred to court for any of the offenses.
 - (10) The youth or his/her parents or guardian are unwilling to cooperate with this Department or with of the social agencies.
 - (11) Voluntary agency casework with the youth has failed in the past because the youth was not willing to cooperate with a non-authoritarian agency.
 - (12) The protective services needed by the youth can be best obtained through the court and its service.
 - (13) The youth denies that h/she committed the offense, but investigation has resulted in sufficient evidence for a court referral, and belief that a judicial determination is necessary.
 - (14) The youth is on formal or informal probation for a previous offense,
 - (15) Some degree of criminal sophistication shown in the offense, such as use of burglar tools, criminal jargon, premeditation, a weapon, or strong arm methods.
 - (16) When the delinquent act would be considered a felony if that act had been committed by an adult, the youth will be referred to Juvenile Court for their decision.
 - (17) Cases involving either the possession or usage of drugs will be referred to Juvenile Court.
 - (18) Cases involving possession of offensive weapons as described in Chapter 724.1, State Code of Iowa, will be referred to Juvenile Court.
- c. With approval of Polk County Juvenile Court or the representative of that court, a juvenile may be placed:
- (1) Meyer Hall.
 - (2) Other location designated by that Court.
 - (3) Room in adult detention facility if:
 - (a) The juvenile has allegedly committed a delinquent act the equivalent of a felony, an aggravated misdemeanor assault pursuant to Sections 708.2 (Assault) and 709.11 (Assault with Intent to Commit Sexual Abuse) of the State Code of Iowa, a serious or aggravated misdemeanor violation of 321J.2



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- (OWI), or a violation of Section 123.46 (Public Intoxication); and
 - (b) The juvenile is at least fourteen (14) years of age; and
 - (c) The juvenile's conduct, habits or condition indicate that the juvenile may be an immediate and serious danger to another person or person's property; and
 - (d) A juvenile detention facility is unavailable; and
 - (e) The secure facility has the staff to supervise and monitor the juvenile's activities at all times. The use of audio monitoring systems should suffice; and
 - (f) The juvenile will be confined in a room entirely separate from detained adults in a manner which prohibits communication with those detained adults.
- d. Parental and School Notification:
- (1) Juveniles discovered to be in possession of alcoholic liquor, wine or beer in violation of State Code 123.47, requires a reasonable effort to make notification to the parent or legal guardian of the offender, as well as notification to the offender's elementary or secondary school.
 - (2) As coordinated through Juvenile Court, this requirement is also necessary for juveniles found to be in possession of a controlled substance, counterfeit substance or simulated controlled substance.
 - (3) A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail.
- e. Automatic Transfers to Adult Court, (As of July 1, 1995, the following crimes committed by juveniles, who are 16 or 17 years of age, are excluded from the jurisdiction of juvenile court):
- (1) Murder
 - (a) 1st degree, 707.2
 - (b) 2nd Degree, 707.3
 - (c) Voluntary Manslaughter, 707.4
 - (d) Attempted Murder, 707.11
 - (2) Assault
 - (a) Assault while participating in a felony, 798.3
 - (b) Willful Injury, 708.4



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- (c) Intimidation with a Dangerous Weapon, 708.6*
- (3) Sexual Abuse
 - (a) 1st Degree, 709.2
 - (b) 2nd Degree, 709.3
 - (c) 3rd Degree, 709.4
 - (d) Assault with intent to commit sex abuse, Injury occurring or serious injury occurring in the course of the assault, 709.11*
- (4) Kidnapping
 - (a) 1st Degree, 710.2
 - (b) 2nd Degree, 710.3
 - (c) 3rd Degree, 710.4
- (5) Robbery
 - (a) 1st Degree, 711.2
 - (b) 2nd Degree, 711.3
- (6) Arson: 1st Degree, 712.2
- (7) Burglary: 1st Degree, 713.3
- (8) Criminal Gang Participation with a weapon: 723A.2
- (9) Possession of Weapons
 - (a) Possession of an Offensive Weapon: 724.3
 - (b) Possession of a firearm on school property: 724. 4B1
 - (c) Trafficking In Stolen Weapons: 724.16A
 - (d) Giving false information when acquiring: 724.21
 - (e) Making Firearm available to a minor (2nd offense): 724.22
 - (f) Felon Possessing a Firearm: 724.26
 - (g) Reckless Use Of a Firearm: 724.30
- (10) Felonious Child Endangerment: 726.6
- (11) Possession with intent to deliver, while armed: 124.401 (1)
(e) firearm, (f) offensive weapon

* There are variations on Sexual Abuse 3rd and Terrorism that are non-forcible. This is an analysis that the County Attorney will have to make based on the facts of the case.



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- f. For those instances outlined above, where a juvenile is excluded from the jurisdiction of Juvenile Court pursuant to Iowa Code section 232.8(1)(c), the following protocol has been established.
 - (1) In those instances where a warrantless arrest has occurred of a 16 or 17 year old juvenile excluded from Juvenile Court jurisdiction and the arrest is made after regular court hours (nights, weekends and holidays), the juvenile shall be transported to JCI for detention until the next regularly scheduled session of jail court at which time the juvenile will be transported to jail court for the initial appearance by the arresting agency.
 - (2) In those instances where a 16 or 17 year old juvenile is taken into custody for an offense excluded from juvenile court jurisdiction, and the arrest occurs during normal working hours, the juvenile shall be transported to Room 202 of the Polk County Courthouse for the initial appearance.
 - (1) In those instances where the arrest has been made pursuant to an arrest warrant previously issued by the court, the juvenile will be transported to the Polk County Jail.
 - (4) A preliminary complaint and case investigation report must be completed and forwarded for the initial appearance.
- d. Processing of Juvenile Offenders: All juveniles being arrested for crimes classified as serious misdemeanors or above are required by law, Iowa Code section 232.148, to be processed (fingerprints and photographs). Detectives referring juveniles to juvenile court on a direct or delayed referral basis shall make arrangements for said juvenile to appear at Polk County Jail or JCI for processing.
 - (1) Delayed Referral: A Juvenile Appearance Card will be issued to the parent or guardian specifying a time and date to appear for processing. A notation will be made in the detective's supplemental report indicating this was accomplished. A Juvenile Booking Form is also required and will be completed and forwarded to jail personnel prior to the processing.
 - (2) Direct Referral: Any direct referrals require a Juvenile Booking Form and arrangements for processing.



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7-46 WARREN COUNTY CITATION / ARREST PROCEDURES:

- A. General: Effective March 2002, the City annexed certain portions of northern Warren County. Subsequently, City related services were expanded to include the newly acquired area(s). Due to the expansion across established county jurisdictional boundaries, police actions initiated in the acquired area(s) must be adjudicated in Warren County based on original jurisdiction.
- B. Purpose: The purpose of this section is to provide guidance and instruction to Division personnel to assist in the proper means by which to address the jurisdictional concerns and procedural considerations associated with enforcement actions taken in Warren county.
- C. Traffic Citation:
 - 1. The citation is issued in the same manner as those issued in Polk County.
 - 2. Confirm that the citation indicates that the offense occurred in Warren County. Even if a City ordinance is used, the defendant's citation must read Warren County.
 - 3. The processing of all citations utilizes the same procedures as Polk County.
 - 4. Court Dates will be designated as either Tuesday or Friday at 0830 hrs.
- D. Simple Misdemeanor Citation:
 - 1. Confirm that the citation directs the defendant to report to the Warren County Courthouse, 115 N. Howard, Indianola Iowa.
 - 2. Court dates will be designated as either Tuesday or Friday at 0830 hrs.
 - 3. The citation is completed in accordance with the guidelines specified in the Report Writing Guide and forwarded with a completed Case Investigation Report.
 - 4. Ensure the citation indicates the offense occurred in Warren County by checking the appropriate box or making a hand-written notation.
- E. Arrest – Traffic and Criminal
 - 1. Simple Misdemeanor: (Driving While Under Suspension, Minor Theft, Criminal Mischief, etc.)



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- a. Complete CIR.
 - b. Complete an Iowa Uniform Citation and Complaint (Traffic Summons) or the Iowa Police Citation and Complaint (Misdemeanor Summons). Indicate the offense occurred in Warren County and assign a court appearance date.
 - c. Complete a "Warren County Certificate of Probable Cause" form.
 - d. Leave copies of the CIR, Certificate of P.C. and charges with the Warren County Jail.
 - e. When a subject is transported or booked at the Warren County Jail, complete a Warren Co. Booking Form.
 - f. Forward paperwork through normal chain of command.
2. Serious Misdemeanor through Felony:
- a. Complete CIR.
 - b. Complete a notarized State Preliminary Complaint and indicate the offense occurred in Warren County.
 - c. Complete a "Warren County Certificate of Probable Cause" form.
 - d. Leave copies of CIR, probable cause statement and charges with Warren County. If transported to Warren County Jail, complete a Warren County Booking Form.
 - 1) Males and Females will be processed at the Warren County Jail unless requested to be processed at a different location (major crimes).
 - 2) Chemical Testing for O.W.I. offenses will be conducted at Polk County Jail prior to transporting to Warren County.
 - 3) Juvenile detentions will be completed utilizing the same procedures currently in place to transport to J.C.I.
 - (4) All court proceedings are conducted at the Warren County Courthouse located at 115 N. Howard, Indianola, Iowa.

7-47 **DEPARTMENTAL OPERATION PLAN: "AIRCRAFT ACCIDENT" :**

- A. General: The possibility exists that an emergency disaster situation or unusual occurrence can arise in connection with the operation of the Des Moines International Airport at any hour of the day or night.
- B. Purpose: To provide for the coordinated and effective use of Division personnel to supplement and assist other Department and City resources in the event of an emergency, disaster or unusual occurrence arising relative to airport



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operations.

- C. If the nature and magnitude of an incident necessitates the recall of off duty personnel, The Chief of Police will determine the number of off duty persons required and will contact Division Commanders concerned to assemble the required number of persons from their respective Divisions.
- D. Under the provisions of the Operation Plan, The Investigations Division shall:
 - 1. Provide personnel with cameras to record still pictures and video cameras to record the scene.
 - 2. Fingerprint, photograph and tag bodies before they are moved.
 - 3. Preserve evidence, set up a morgue, and provide a detail to assist in identification of the dead.
 - 4. Interrogate and file charges against those individuals arrested.
 - 5. Be prepared to assume normal duties of Uniform Division.
- E. The Division Commander will direct and coordinate the above referenced.